THE COLLECTION OF ALL THE PARTICULAR PAPERS that passed between *HIS MAJESTY*, BOTH HOUSES, AND THE COMMITTEE, Concerning the CESSATION.

Printed by His MAJESTIES Command
AT OXFORD,
By LEONARD LICHFIELD, Printer
to the Vniversity. 1643.

BIBLIOTHECA·BODLEIANA·

THE HVMBLE DESIRES AND PROPOSITIONS OF THE LORDS and COMMONS in PARLIAMENT assembled.

Tendered to His MAJESTY
1. *February*, 1642.

WITH

HIS MAJESTIES

Gratious Answer thereunto.

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HIS
HUMBLE DESIRES
AND
PROPOSITIONS
OF THE
LORDS and COMMONS
in Parliament assembled.

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THE HUMBLE DESIRES AND PROPOSITIONS OF THE LORDS and COMMONS in *Parliament* assembled, tendred to His MAJESTY, 1. *Feb.* 1642.

WEE, Your Majesties most humble and faithfull Subjects, the Lords and Commons in Parliament assembled, having in our thoughts the Glory of God, Your Majesties Honour, and the prosperity of Your people; and being most grievously afflicted with the pressing miseries and Calamities which have overwhelmed Your two Kingdoms of *England* and *Ireland*, since Your Majesty hath, by the perswasion of evill Counsellors, withdrawn Your selfe from the Parliament, raised an Army against it, and, by force thereof, protected Delinquents from the Justice of it, constraining us to take Armes for the defence of our Religion, Lawes, Liberties, Priviledges of Parliament, and for the sitting of the Parliament in safety; which feares and dangers are continued and increased by the raising, drawing together, and Arming of great numbers of Papists under the command of the Earle of *Newcastle*, likewise by making the Lord *Herbert* of *Ragland*, and other known Papists, commanders of great forces; whereby many grievous oppressions, rapines, and cruelties, have been and are daily exercised upon the Persons & Estates of Your people; much innocent blood hath been spilt, and the Papists have attained means of attempting, with hopes of effecting their mischievous designe, of rooting out the Reformed Religion, and destroying the professors thereof. In the tender sense and compassion of these evills, under which Your People and Kingdom lye

(according to the duty which we owe to God, Your Majesty, and the Kingdom, for which we are trusted) doe most earnestly desire, that an end may be put to these great distempers and distractions, for the preventing of that desolation which doth threaten all Your Majesties dominions. And as we have rendred, and still are ready to render to Your Majesty that subjection, obedience and service, which we owe unto You: So we most humbly beseech Your Majesty to remove the causes of this Warre, and to vouchsafe us that Peace and Protection, which wee and our Ancestors have formerly enjoyed under Your Majesty, and Your Royall Predecessors, and graciously to accept and grant these our most humble desires and Propositions.

1. That Your Majesty will be pleased to disband Your Armies, as we likewise shall be ready to disband all those Forces which we have raised, and that You will be pleased to Returne to Your Parliament.

2. That You will leave Delinquents to Legall tryall and Indgement of Parliament.

3. That the Papists may not only be dis-banded, but dis-armed according to Law.

4. That Your Majesty will be pleased to give Your Royall assent unto the Bill for taking away Superstitious Innovations; to the Bill for the utter abolishing and taking away of all Arch-bishops, Bishops, their Chancellors and Commissaries, Deanes, Sub-deanes, Deans and Chapters, Arch-Deacons, Canons and Prebendaries, and all Chaunters, Chauncellors, Treasurers, sub-treasurers, Succentors, and Sacrists, and all Vicars Choral and Choristers, old Vicars, and new Vicars of any Cathedrall or Collegiate Church, and all other their under officers, out of the Church of England; to the Bill against scandalous Ministers; to the Bill against Pluralities; and to the Bill for Consultation to be had with Godly Religious and Learned Divines; that Your Majesty will be pleased to promise to passe such other good Bills for setling of Church-Government, as upon consultation with the assembly of the said Divines, shall be resolved on by both Houses of Parliament, and by them be presented to Your Majesty.

5. That

5. That your Majesty having expreſt, in your Anſwer to the nineteen Propoſitions of both Houſes of Parliament, a hearty affection and intention for the rooting out of Popery out of this Kingdom, and that if both the Houſes of Parliament can yet find a more effectuall courſe to diſable Jeſuites, Prieſts, and Popiſh Recuſants from diſturbing the State, or deluding the Lawes, that You would willingly give your conſent unto it; that you would be graciouſly pleaſed, for the better diſcovery and ſpeedier conviction of Recuſants, that an Oath may be eſtabliſhed by Act of *Parliament*, to be adminiſtred in ſuch manner as by both Houſes ſhall be agreed on; wherein they ſhall abjure and renounce the Popes Supremacy, the doctrine of Tranſubſtantiation, Purgatory, worſhiping of the conſecrated Hoaſt, Crucifixes and Images; and the refuſing of the ſaid Oath, being tendred in ſuch manner as ſhall be appointed by Act of *Parliament*, ſhall be a ſufficient conviction in Law of Recuſancy. And that your Majeſty will be graciouſly pleaſed to give your Royall aſſent unto a Bill for the educatiõ of the childre of Papiſts by Proteſtants, in the Proteſtant Religion. That, for the more effectuall executiõ of the Lawes againſt Popiſh Recuſants, Your Majeſty would be pleaſed to conſent to a Bill for the true levying of the penalties againſt them, and that the ſame penalties may be levyed and diſpoſed of in ſuch manner as both Houſes of *Parliament* ſhall agree on, ſo as your Majeſty be at no loſſe: And likewiſe to a Bill whereby the practice of Papiſts againſt the State may be prevented, and the Lawes againſt them duly executed.

6. That the Earle of *Briſtoll* may be removed from your Majeſties Councells; and that both he, & the Ld *Herbert*, eldeſt ſonne to the Earle of *Worceſter*, may likewiſe be reſtrained from comming within the Verge of the Court, and that they may not beare any office or have any Employments concerning the State or Commonwealth.

7. That your Majeſty will be graciouſly pleaſed by Act of *Parliament* to ſettle the *Militia*, both by Sea and Land, and for the Forts and Ports of the Kingdome, in ſuch a manner as ſhall be agreed on by both Houſes.

8. That Your Majeſty will be pleaſed by your Letters Patents, to make Sr *John Brampſton* Chiefe Juſtice of your Court of Kings Bench', *William Lenthall* Eſqu. the now Speaker of the Commons Houſe,

House, Mr of the Rolls, and to continue the Ld Chief Iustice *Banks* Chief Iustice of the Court of common-pleas, and likewise to make Mr Serjeant *Wild* Chief Baron of Your Court of Exchequer, and that Mr Iustice *Bacon* may be continued, and Mr Serjeant *Rolls*, and Mr Serjeant *Atkins* made Iustices of the Kings Bench, that Mr Iustice *Reeves*, and Mr Iustice *Foster* may be continued, and Mr Serjeant *Phesant* made one of the Iustices of Your Court of Common-Pleas, That Mr Serjeant *Creswell*, Mr *Samuell Browne*, and Mr *John Puleston* may be Barons of the Exchequer: and that all these, and all the Iudges of the same Courts, for the time to come, may hold their places by Letters Patents, under the great Seale, *Quam diu se bene gesserint*; and that the severall persons not before named, that doe hold any of these places before mentioned, may be removed.

9. That all such Persons as have been put out of the Commissions of Peace, or *Oyer* and *Terminer*, or from being *Custodes Rotulorum*, since the first day of *April*. 1642. (other then such as were put out by desire of both or either of the Houses of Parliament) may againe be put into those Commissions & Offices, and that such persons may be put out of those Commissions and Offices as shall be excepted against by both Houses of *Parliament*.

10. That Your Majesty will be pleased to passe the Bill now presented to Your Majesty, to vindicate and secure the Priviledges of *Parliament* from the ill consequence of the late precedent in the charge and proceeding against the Ld *Kimbolton* now Earle of *Manchester*, and the five Members of the House of Commons.

11. That Your Majesties Royall Assent may be given unto such Acts as shall be advised by both Houses of Parliament, for the satisfying & paying the Debts & Dammages wherein the the two Houses of Parliament have engaged the publike Faith of the Kingdom.

12. That Your Majesty will be pleased, according to a gratious Answer heretofore received from You, to enter into a more strict Allyance with the States of the united Provinces, and other Neighbour Princes and States of the Protestant Religion, for the defence and maintenance thereof against all designes and attempts of the Popish and Iesuiticall faction, to subvert and suppresse it, whereby Your Subjects may hope to be free from the mischiefes which this Kingdome hath endured, through the power which some of that party

party have had in Your Counſell, and will be much encouraged in a Parliamentary way for Your Ayd and Aſſiſtance, in reſtoring Your Royall Siſter, and the Prince *Elector* to thoſe Dignities and Dominions which belong unto them, and the Releeving the other diſtreſſed Proteſtant Princes, who have ſuffered in the ſame cauſe.

13. That in the generall Pardon, which Your Majeſty hath been pleaſed to offer to Your Subjects, all offences and miſdemeanours committed before the tenth of *January*, 1641. which have been or ſhall be Queſtioned, or proceeded againſt in *Parliament*, upon complaint in the Houſe of Commons before the tenth of *January*, 1643. ſhall be excepted, which offences and miſdemeanours ſhall nevertheleſſe be taken and adjudged to be fully diſcharged againſt all other inferiour Courts. That likewiſe there ſhall be an exception of all Offences committed by any perſon or perſons which hath or have had any hand or practice in the Rebellion of *Ireland*; which hath or have given any Counſell, aſſiſtance or Incouragement to the Rebells there, for the maintenance of that Rebellion; As likewiſe an exception of *William* Earle of *Newcaſtle*, and *George* Lord *Digby*.

14. That Your *Majeſty* will be pleaſed to reſtore ſuch Members of either Houſe of *Parliament* to their ſeverall places of ſervice and employment, out of which they have been put ſince the beginning of this *Parliament*, that they may receive ſatisfaction and reparation for thoſe places, and for the profits which they have loſt by ſuch removalls upon the petition of both Houſes of *Parliament*, and that all others may be reſtored to their Offices, and Employments, who have been put out of the ſame upon any diſpleaſure conceived againſt them for any aſſiſtance given to both Houſes of *Parliament*, or obeying their Commands, or forbearing to leave their attendance upon the Parliament, without licence, or for any other occaſion ariſing from theſe unhappy differences betwixt Your Majeſty and both Houſes of Parliament, upon the like petition of both Houſes.

Theſe things being granted and performed, as it hath alwayes been our hearty prayer, ſo ſhall we be inabled to make it our hopefull endeavour, that Your Majeſty and Your People may enjoy the bleſſings of Peace, Truth, and Iuſtice; The Royalty and greatneſſe of Your Throne may be ſupported by the Loyall and Bountifull affections of Your People; their Liberties and Priviledges maintained by Your Majeſties Protection and Iuſtice; and this publike Honour and happineſſe of Your Majeſty and all Your Dominions communicated to other Churches and States of Your Allyance, and derived to Your Royall Poſterity, and the future Generations in this Kingdome for Ever.

HIS

His Majesties

Gratious Answer to the foregoing De-

sires and Propositions.

IF His Majesty had not given up all the Faculties of His Soule to an earnest endeavour of a Peace and Reconciliation with His People, or if He would suffer himselfe by any Provocation to be drawn to a sharpnesse of Language, at a time when there seemes somewhat like an Overture of Accommodation, He could not but resent the heavy Charges upon Him in the Preamble of these Propositions, and would not suffer himselfe to be reproached with protecting of Delinquents, by force, from Iustice, (His Majesties desire having alwayes been, that all men should be tride by the knowne Law, & having been refus'd it;) with raising an Army against His Parliament; and to be told that Armes have been taken up against Him for the defence of Religion, Lawes, Liberties, Priviledges of Parliament, and for the sitting of the Parliament in safety, with many other particulars in that Preamble, so often and so fully answered by His Majesty, without remembring the world of the time and circumstances of raising those Armes against Him. When His Majesty was so farre from being in a condition to invade other mens Rights, that He was not able to maintaine and defend His owne from violence; and without telling His good Subjects that their Religion, (the

true Proteſtant Religion in which His Majeſty was Borne, hath faithfully lived, and to which He will dye a willing Sacrifice,) their Lawes, Liberties, Priviledges, and ſafety of Parliament were ſo amply ſetled and eſtabliſhed, or offered to be ſo by His Majeſty before any Army was raiſed againſt Him, and long before any raiſed by Him for his Defence, that if nothing had been defired but that Peace and protection which His Subjects & their Anceſtors had in the beſt times enjoyed under His Majeſty, or His Royall Predeceſſors, this miſunderſtanding and Diſtance between His Majeſty & His People, and this generall miſery and Diſtraction upon the Face of the whole Kingdome, had not been now the diſcourſe of Chriſtendome. But His Majeſty will forbeare any Expreſſions of Bitternes, or of a ſenſe of His own ſufferings, that, if it be poſſible, the memory thereof may be loſt to the world. And therefore though many of the Propoſitions, preſented to His Majeſty by both Houſes, appear to Him very derogatory from, and deſtructive to His Iuſt Power and Prerogative, and no way beneficiall to His Subjects, few of them being already due to them, by the Lawes eſtabliſhed, (and how unparliamentary it is, by Armes to require new Lawes, all the world may Iudge,) yet (becauſe theſe may be waved or mollified, and many things that are now darke, or doubtfull in them cleered, and explaned upon debate) His Majeſty is pleaſed (ſuch is his ſenſe of the miſeries this Kingdome ſuffers by this unnaturall Warre, and His earneſt deſire to remove them by a happy Peace) that a ſpeedy time and place be agreed upon for the meeting of ſuch perſons, as His Majeſty and both Houſes ſhall appoint, to diſcuſſe theſe Propoſitions, and ſuch others here following, as His Majeſty doth propoſe to them.

1. That

1. That His Majesties own Revenue, Magazines, Townes, Forts and Ships, which have been taken or kept from Him by Force, be forthwith restored unto Him.

2. That whatsoever hath been done or published contrary to the known Lawes of the Land, or derogatory to His Majesties Legall and known Power and Rights, be renounced and recalled; That no seed may remaine for the like to spring out of for the future.

3. That whatsoever illegall power hath been claimed and exercised by or over His Subjects, as Imprisoning their Persons without Law, stopping their *Habeas Corpusses*, and Impoſing upon their Estates without Act of Parliament, &c. either by both or either House, or any Committee of both or either, or by any Persons appoynted by any of them, be disclaimed, and all such Persons so committed forthwith discharged.

4. That as His Majesty will readily consent (having done so heretofore) to the Execution of all Lawes already made, and to any good Acts to be made, for the suppressing of Popery, and for the firme setling of the Protestant Religion now established by Law; so He desires that a good Bill may be framed for the better preserving the Book of Common-Prayer, from the Scorne and violence of Brownists, Anabaptists, and other Sectaries, with such clauses for the Ease of tender Consciences as His Majesty hath formerly offered.

5. That all such Persons, as upon the Treaty shall be excepted out of the Generall Pardon, shall be tryed *Per Pares*, according to the usuall course and Known Law of the Land, and that it be left to that, either to acquit or condemne them.

6. And to the intent this Treaty may not suffer interruption by any intervening Accidents, That a Cessation of

Armes, and free Trade for all His Majeſties Subjects may be firſt agreed upon.

This offer and Deſire of His Majeſty, He hopes will be ſo cheerfully entertained, that a ſpeedy and bleſſed Peace may be accompliſhed: If it ſhall be rejected, or, by inſiſting upon unreaſonable circumſtances, be made impoſſible, (which He hopes God in his mercy to this Nation will not ſuffer,) the guilt of the Blood which will be ſhed, and the Deſolation which muſt follow, will lye upon the Heads of the Refuſers. However His Majeſty is reſolved through what Accidenrs ſoever He ſhall be compelled to recover His Rights, and with what proſperous ſucceſſes ſoever it ſhall pleaſe God to bleſſe Him, that, by His earneſt, conſtant Endeavours to propagate and promote the true Proteſtant Religion, and by His governing according to the known Lawes of the Land, and upholding the juſt Priviledges of Parliament, according to His frequent Proteſtations made before Almighty God, which He will alwaies inviolably obſerve, the World ſhall ſee that He hath undergone all theſe Difficulties and hazards for the Defence and maintenance of thoſe; The zealous preſervation of which, His Majeſty well knowes, is the only foundation and means for the true happineſſe of Him and His People.

FINIS.

HIS MAIESTIES *GRATIOVS MESSAGE* SENT TO BOTH HOUSES of PARLIAMENT,

February 20.

WHereas His *Majeſty* hath (together with a Treaty) propoſed a Ceſſation of Armes to both His Houſes of Parliament, now ſixteen daies ſince, to which as yet He hath received no Anſwer; To the end that His Majeſty may ſo cleerly underſtand the Houſes, that no ſuch Imputations (as have been formerly) may after be laid upon Him, upon occaſion of any thing that may intervene, His Majeſty deſires, If a Ceſſation

on ſhall be approved of by them, That the day upon which the Ceſſation is thought fit to beginne, and ſuch particular Limits, and Conditions, of that Ceſſation as are neceſſary to be underſtood, and agreed on before the Ceſſation it ſelfe can actually begin, be propoſed by them at the ſame time with their Approbation of it; Since, as His Majeſty ſuppoſes by the preſent great Preparation of ſeverall Forces of the Earle of *Eſſex*, to march ſeverall wayes, That till ſuch time as this be done, they doe not conceive themſelves obliged to an actuall Ceſſation, ſo neither till then, doth His Majeſty conceive himſelfe obliged to it.

VII

THE VOTES AGREED ON BY THE *Lords* and *Commons* concerning a TREATY;

AND

Their desire of a safe Conduct for a Committee named by them, contained in a Letter of the 28. of *February* from the Earle of *Manchester* to the Lord *Viscount of Falkland.*

WITH

HIS MAJESTIES

Gratious Answer thereunto, and a *Copy of His safe Conduct.*

ALSO

The Articles concerning a Cessation proposed by both Houses of PARLIAMENT, and a Letter of the 28. of *February* from the said Earle of *Manchester*, to the said L. of *Falkland*, in which they were inclosed.

With His MAJESTIES gratious *Answer to the Same.*

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With His MAJESTIES gratious *Answer to the Same*.

To the Right Honourable the Lord VISCOUNT FALKLAND, Principall Secretary to His MAJESTY.

Manchester.

My Lord,

I Am commanded by the Lords in Parliament to desire your Lordship to acquaint His *Majesty*, that both Houses of Parliament, having appointed a Committee to treat with His *Majesty*, they desire that a safe Conduct may be granted unto them by His *Majesty*. The number and the Names of the Committee Your Lordship shall receive here inclosed. My Lord I am

Your Lordships humble servant,
MANCHESTER,
Speaker of the House of Peeres
pro tempore.

February 28.

The Number and Names of the Committee.

Earle of *Northumberland.*
Lord Vic. *Say* and *Seale.*

Mr *William Pierrepont.*
Sir *William Armyne.*
Sir *John Holland.*
Mr *Bulstrode Whitlocke.*

AGREED ON BY THE LORDS and COMMONS *in Parliament.*

THat there shall be a Treaty upon the Propositions, before the disbanding. In which Treaty so much of His Majesties *Proposition as concerneth the Magazines, Forts and Ships, and the Propositions of both Houses for the disbanding of the Armies, shall be first Treated of, and concluded on, before the proceeding to Treat upon any of the other Propositions.*

And that this Treaty shall begin the fourth of March, *or sooner if it may be. And that from the beginning of the Treaty, the time may not exceed Twenty dayes.*

Io. BROWNE Cleric.
Parliamentorum.

HIS MAIESTIES ANSWER TO THE VOTES of both Houses, and to their *desire of a safe Conduct.*

HIs *Majesty* hath sent a safe Conduct for the Earle of *Northumberland*, Mr *Perpoynt*, Sir *William Armyne*, Sir *John Holland*, and Mr *Whitlocke*, but hath not admitted the Lord *Say* to attend Him, as being excepted against by name in His Proclamation at *Oxford*, of the third of *November*, and by Writ to the Sheriffe Proclaimed then in that County, in which His *Majesties* intention is declared, to proceed against him as a Person guilty of high Treason, and so falling to be within the case of Sir *John Evelin*, who upon the same exception was not admitted to attend His *Majesty* with the rest of the Committee at *Colebroke*, in *November* last. But His *Majesty* doth signify, that in case the House shall think fit to send any other Person in the place of the Lord *Say*, that is not included in the

the like Exception, His *Majesty* hath commanded all His Officers, Souldiers and other Subjects, to suffer him as freely to passe and repasse, as if his name had been particularly comprised in this safe Conduct. His Majesty is content that His Proposition concerning the Magazines, Forts, Ships, and Revenue, and the Propolition of both Houses for the disbanding of the Armies, shall be first Treated of, and agreed of, before the Proceeding to Treat upon any of the other Propositions. And that after the second of His Majesties, and the second of theirs be treated on, and agreed of, and so on in the same order. And that from the beginning of the Treaty, the time may not exceed twenty dayes, in which He hopes a full Peace and right understanding may be established throughout the Kingdom.

His Majesties Safe Conduct.

OVR will and Pleasure is, And We doe hereby straitly Charge and Command all the Officers and Souldiers of Our present Army, and all Our Ministers and Subjects whatsoever, to permit and suffer Our Right trusty and Right wellbeloved Couzin and Counsellor *Algernon* Earle of *Northumberland*, and Our Trusty and Welbeloved *William Pierrepont* Esq. Sir *William Armyne*, and Sir *John Holland* Knights, and *Bulstrode Whitlock* Esquire (together with their Servants) to passe and repasse to and from Vs, without any Let or Hinderance, they being now sent to attend Vs from Our two Houses of Parliament. This Our safe Conduct under Our Signe Manuall and Royall Signet, We Charge and Command them, and every of them, punctually to observe and obey, as they will answer the contrary at their utmost perills.

Given at Our Court at OXFORD, *the third of* MARCH. 1642.

FOR THE LORD
Viscount FALKLAND.

My Lord,

I Am Commanded by the Lords in Parliament to desire your Lordship to present unto Hũ Majesty these inclosed Articles, concerning a Cessation of Armes. To which they desire Hũ Majesties Answer as soone as it may stand with His Conveniency. I am likewise commanded to send unto your Lordship the Resolutions of both Houses, that His Majesty may see the ground of their desires, for a present Cessation of Armes. My Lord, this is that I have in Command, who am

Your Lordships humble servant
MANCHESTER,
Speaker of the House of Peeres
pro tempore.

Feb. 28.

THE

THE ARTICLES OF BOTH HOUSES Concerning a Cessation.

WHereas the Lords and Commons in Parliament, out of a tender sense of the present miseries, and distractions of the Kingdome, and for the obtaining and setling of a happy Peace betwixt His Majesty and His People, have humbly presented to His Majesty diverse Propositions, To which He hath been pleased to make this Returne, That His Desire was, that a speedy time and place might be appointed for the discussing of those Propositions; and likewise some others, proposed by His Majesty. It is thereupon agreed in both Houses, that a Committee of both Houses shall be appointed to attend His Majesty, on, or before the fourth of *March*, if His Majesty shall so please, to endeavour to give Him all humble and fit satisfaction concerning the said Propositions, both His Majesties and their owne. And whereas for more speedy removall of the bloody and miserable effects of Warre, His *Majesty* hath likewise been graciously pleased by a late Message, to signifie His Desire, that for avoyding all intervening Accidents of Warre, which might interrupt this Treaty, there might be a Cessation of Armes, under such particular conditions and Limitations as should be agreed on: their humble desires therein concurring with His *Majesty*, it is by them assented and agreed, That a Cessation of Armes, in order to such a Treaty, as is resolved upon by both Houses of *Parliament*, may be enjoyned to all the Armies and Forces now a Foot in the Kingdome of *England* and Dominion of *Wales*, on either side, under the Restrictions and Limitations hereafter following. And that neither side shall be bound or limited by this Cessation in any otherwise, or to any other purpose, then is hereafter expressed.

1. That all manner of Armes, Ammunition, Victualls, Money, Pallion, and all other Commodities, passing without such a safe Conduct as may warrant their passage, may be stayed and seized on, as if no such Cessation were agreed on at all.

2. That all manner of persons passing without such a safe Conduct as is mentioned in the Article next going before, shall be apprehended and detained, as if no such Cessation were agreed on at all.

3. That His *Majesties* Forces in *Oxfordshire*, shall advance no neerer to *Windsor* then *Wheatley*, and in *Buckinghamshire*, no neerer to *Aylesbury* then *Brill*, and that in *Berkeshire*, the Forces respectively, shall not advance neerer the one to the other then now they are. And that the *Parliaments* Forces in *Oxfordshire*, shall advance no neerer to *Oxford* then *Henley*, and those in *Buckinghamshire*, no neerer to *Oxford* then *Aylesbury*; And that His *Majesties* Forces shall take no new Quarters above twelve miles from *Oxford* any way; and that the *Parliaments* Forces shall take no new Quarters above twelve miles from *Windsor* any way.

4. That no Seige shall be begun or continued against *Glocester*, and that His Majesties Forces now imployed in the seige shall returne to *Cyrencester* and *Malmsbury*, or to *Oxford*, as shall be most for their conveniency, and the *Parliaments* Forces which are in *Glocestershire*, shall remaine in the Cities of *Glocester*, *Bristoll*, and the Castle and Towne of *Berkley*, or retire neerer to *Windsor*, as they shall see cause; and that those of *Wales*, which are downe to *Glocester*, shall returne into their Quarters where they were, before they drew down to *Glocestershire*.

5. That in case it be pretended on either side, that the Cessation is violated, no act of hostility is immediately to follow. But first the Party complaining is to acquaint the Ld Generall on the other side, and to allow three dayes after notice given for satisfaction; and in case satisfaction be not given or accepted, then five dayes notice to be given before hostility begin; and the like to be observed in the Remoter Armies, by the Commanders in chiefe.

6. Lastly, that all other Forces in the Kingdome of *England*, and Dominion of *Wales*, not before mentioned, shall remaine in the same Quarters and places, as they are at the time of the publishing of this Cessation, and under the same conditions as are mentioned

in

in the Articles before, and that this Cessation shall not extend to restraint the [illegible], or employing of any [illegible] for the Defence of His Majesties Dominions.

All which, they humbly desire His MAJESTY will be pleased to Ratifie, and Confirme; and that this Cessation may begin upon the fourth of *March* next, or sooner if it may be, and continue untill the five and twentieth of the same month, and in the meane time to be published to the Commanders, Officers, and Souldiers, and all other His Majesties loving Subjects on either side, and that the Treaty intended may commence upon the fourth of *March* next, or sooner if it may be, and the continuance thereof not to exceed twenty dayes.

Ioh. Browne, Cler: Parliamentorum.

[illegible] MAJESTIES

[illegible] the aforesaid

ARTICLES.

HIS Majesty hoped the Treaty would have been begun, and the Cessation agreed on long since, and that much might in this time have been concluded in order to the Peace and happines of the Kingdome, but since in almost a moneth (for His Majesties Propositions were made on the third of *February*, and He heard not since from both Houses till the first of *March*,) no consent hath been yeelded to it, He conceives the Cessation cannot begin so soon as the fourth of this moneth, by which time (though His Majesty uses no delay in making His Answer) the same can hardly be returned to them; And many of the Articles now presented to Him from both Houses, concerning the Cessation, are so strict, that such of His good Subjects who are not of His Army (and for whom generally He shall alwayes have a principall, Iust, and compassionate regard) receive not any benefit, or are restored to any liberty thereby, which His Majesty shall ever insist upon (when in matters meerly concerning himselfe He may descend to easier conditions;) And which He hath returned with such alterations, as He doubts not both Houses will consent to, and doe sufficiently manifest how solicitous His Majesty is for the good of His people, and how desirous He is, that in this

this Un[illegible] and Blood of His Subjects may be [illegible] looks with much grief, compassion, a[illegible]r) even of those who have lifted up th[illegible]n. And His Majesty therefore desires (t[illegible]n imagine no objection can be made) that t[illegible] may begin upon the twelfth of this moneth, or [illegible] the conditions of the Cessation shall be sooner agreed [illegible]d is willing the same shall continue for twenty dayes, in [illegible] time He hopes by the Treaty and a cleer understandi[illegible]ch other, a full Peace and happinesse may be establi[illegible] throughout the Kingdome. And during that time His Majesty is willing that neither side shall be bound or limited by this Cessation in any other wise, or to any other purpose, then is hereafter expressed.

1. That all manner of Armes, and Ammunition, Money, Bullion, and Victualls passing for the use of either Army, without a Passe or safe Conduct from the Generalls of each Army, may be stayed and seized on, as if no Cessation were agreed on at all.

2. That all Officers and Souldiers of either Army, passing without such Licence or safe Conduct as aforesaid, may be apprehended and detained, as if no such Cessation were agreed on at all; and that all manner of Persons His Majesties Subjects of what quality or condition soever (except Officers and Souldiers of either Army) shall passe to and from the Cities of *Oxford* and *London*, and back again at their pleasures, during this Cessation, as likewise to and from any other parts of His Majesties Dominions, without any search, stay, or imprisonment of their Persons, or seizure and detention of their goods, or Estates; And that all manner of Trade, Traffique, and Commerce be free and open

open between all His [illegible] epting, as aforesaid, between the [illegible] of either Army, or for Armes, A[illegible]ion, or Victualls for the use of eith[illegible]asse or safe Conduct as aforesaid.

Which may be a g[illegible] to renew the Trade and Correspondence of [illegible]om, and whereby His good Subjects may be rest[illegible] that liberty and freedom they were born to, and [illegible] happily enjoyed till these miserable distraction[illegible] which, even during this warre, His Majesty hath [illegible] utmost laboured to preserve, opening the way by most strict Proclamations to the passage of all commodities, Even to the Citty of *London* it selfe.

3. That His *Majesties* Forces in *Oxfordshire* shall advance no nearer to *Windsor* then *Wheatly*, and in *Buckinghamshire* no nearer to *Aylesbury* then *Brill*, and that in *Berkshire* the Forces respectively shall not advance nearer the one to the other, then they shall be at the day to be agreed upon for the Cessation to begin, And that the Forces of the other Army in *Oxfordshire* shall advance no nearer to *Oxford* then *Henly*, and those in *Buckinghamshire* no nearer to *Oxford* then *Aylesbury*, and that the Forces of neither Army shall advance their Quarters nearer to each other, then [illegible]y shall be upon the day agreed on for the Cessation to begin, otherwise then in passage and Communication between their severall Quarters respectively, without any acts of Hostility each to other, but may enlarge themselves within their own Quarters respectively, as they shall find convenient.

4. That the Forces of either Army in *Glocestershire*, *Wiltshire*, and *Wales*, as likewise in the Cities of *Glocester*, *Bristoll*, and the Castle & Town of *Berkly* shall be guided by the Rule expresst in the latter part of the precedent Article.

5.

5. That if [illegible] be pretended on either ſide, that the Ceſſation is violated, no Act of hoſtidity is immediatly to follow, but firſt the party complaining, Is to acquaint the Lord Generall of the other ſide, [illegible] to allow three daies, after notice given, for ſatisfaction, and in caſe ſatisfaction be not given or accepted, then five daies notice to be given before hoſtility begin, and the like to be obſerved in the Remoter Armies by the Commanders in chiefe.

6. That all other Forces in the Kingdom of *England* and Dominion of *Wales*, not before mentioned, ſhall remain in the ſame Quarters and places as they are at the time of publiſhing this Ceſſation, otherwiſe then in paſſage and communication between their ſeverall Quarters, as is mentioned in the latter part of the third Article; and that this Ceſſation ſhall not extend to reſtrain the ſetting forth or imploying any Ships for the defence of His *Majeſties* Dominions; Provided that His *Majeſty* be firſt acquainted with the particulars, and that ſuch Ships as ſhall be ſet forth be commanded by ſuch perſons as His *Majeſty* ſhall approve of.

7. Laſtly, that during the Ceſſation none of His Majeſties Subjects be impriſoned, otherwiſe then according to the known Lawes of the Land, and that there ſhall be no Plundering or Violence offered to any of His Subjects.

And His Majeſty is very willing, if there be any ſcruples made concerning theſe Propoſitions and Circumſtances of the Ceſſation, that the Committee for the Treaty nevertheleſſe may immediatly come hither, and ſo all matters concerning the Ceſſation may be here ſealed by them.

FINIS.

CONCERNING THE CESSATION.

IN case we shall obtaine Your Majesties Assent to the Articles of Cessation as they were last presented to Your Majesty within two dayes after the day of the receipt of the reasons this day presented to Your *Maiesty* from both Houses for their not assenting to those alterations and additions to the Articles of Cessation offered by Your Maiesty.

We are authorized by our Instructions this day received in the name of both Houses of Parliament, to agree and conclude upon the Cessation to continue to the end of twenty dayes, to be reckoned from the five and twentieth of this instant *March*, and upon a day certaine, as soon as may be when the same shall first begin, and be of force, within which time notice is to be given, as well by His Majesty as by the Lords and Commons to the severall Generalls, Commanders, and Souldiers respectively, to observe the same Cessation as it is qualified and limited in those Articles last presented to Your Majesty.

Northumberland.

VV. Peirrepont. *VV. Armyne.*
Iob. Holland. *B. VVhitelocke.*

March. 31. 1643.

WHether by denying the Communication of Quarters you intend to restraine the Quarters of either Army from each other, as that the Forces at *Abington* may not remove to *Banbury*, or the Forces as *Henley* may not remove to *Aylesbury*, or to any other

places within the Quarter of each Army respectively?

FALKLAND.

March. 31. 1643.

In Answer to Your Majesties Question upon the third Article of the Cessation.

WEE humbly conceive that it is not intended to restraine the Quarters of either Army respectively from each other, so as they come not neerer the Quarters of the other Army, but that the Forces at *Abington* may remove to *Banbury*, or the Forces at *Henley* may remove to *Aylesbury*, or to any other place within the Quarters of each Army respectively, so as the Forces of either Army respectively come no neerer the Quarters of the other Army; then they shall be upon the day agreed on for the Cessation to begin.

Northumberland.

J. Holland. *W. Pierrepont.*

W. Armyne. *B. Whitlocke.*

March. 31. 1643.

IS Majesty desires to be resolved by the Committee of Lords and Commons, whether the Forces of *Oxford* may not as well goe to *Reading*, as the Forces of *Henley* may to *Aylesbury*?

Whether His Majesties Forces belonging to the Army at *Oxford*, may not goe to *Shrewsbury*, or any other place backwards from *London*, so that in their March they approach

hproac no neerer to any Quarters of any of the contrary Armies, then ſome of His Majeſties Forces ſhall Quarter upon the day agreed upon for the Ceſſation to beginne?

FALKLAND.

March. 31. 1643.

VVEE humbly conceive that by our Inſtructions weare not enabled to give any reſolution upon Your Majeſties Queſtions concerning the removall of Quarter, other then we have already given.

Northumberland.

I. Holland. *W. Armyne.*

B. Whitelocke. *W. Pierrepont.*

hproac no neerer to any Quarters of any of the contrary Armies, then some of His Majesties Forces shall Quarter upon the day agreed upon for the Cessation to beginne.

FALKLAND.

March. 31. 1643.

VVEE humbly conceive that by our Instructions weare not enabled to give any resolution upon Your Majesties Questions concerning the removall of Quarter, other then we have already given.

Northumberland.

I. Holland. *W. Armyne.*

B. Whitelocke. *W. Pierrepont.*

VIII

THE REASONS OF THE LORDS and COMMONS IN PARLIAMENT,

Why they cannot agree to the Alteration and Addition in the Articles of CESSATION *offered by* HIS MAJESTY.

WITH

HIS MAJESTIES

Gratious Answer thereunto.

April 4. 1643.

Printed, by His MAJESTIES Command,
AT OXFORD,
By LEONARD LICHFIELD Printer
to the University. 1643.

THE REASONS OF THE LORDS and COMMONS IN PARLIAMENT,

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TO THE KING'S *MOST EXCELLENT* MAJESTY.

THE Lords *and* Commons *in Parliament assembled, do with all humble thankfulnesse acknowledge Your* Majesties *favour in the speedy admission of their Committee to Your Royall Presence, and the expedition of Your Exceptions to their Articles; that so they might more speedily endeavour to give Your* Majesty *satisfaction: And although they were ready to agree to the Articles of Cessation, in such manner, as they expresse in their Preface, they cannot agree to the alteration and Addition offered by Your* Majesty, *without great preiudice to the Cause, and danger to the Kingdom, whose Cause it is: The reasons whereof will clearely appeare in the Answers to the particulars prest by Your* Majesty.

1. THey doe deny that they have restrained any Trade, but to some few of those places where Your Maiesties Forces are Inquartered, and even now in the heat of Warre, doe permit the Carriers to goe into all the parts of the Kingdom, with all sorts of Commodities for the use of Subjects, except Armes, Ammunition, Money, and Bullion; But if they should grant such a free Trade, as Your Maiesty desireth, to *Oxford*, and other places where Your Forces remain, it would be very difficult, if not impossible, to keep Armes, Ammu-

nition, Mony, and Bullion from passing into Your Majesties Army, without very strict and frequent Searches, which would make it so troublesome, chargeable, and dangerous to the Subiects, that the Question being but for twenty daies, for so few places, the mischiefes and inconveniences to the whole Kingdom, would be farre greater then any advantage which that small number of Your Subiects (whom it concerns) can have by it.

The Case then is much otherwise then is expreſt by Your Maiesties Answer, for whereas they are charged, not to give the least admission of this Liberty and freedom of Trade, during the Cessation; The truth is, That they doe grant it as fully to the benefit of the Subiect, even in time of Warre; And that Your Maiesty in pressing this for the peoples good, doth therein desire that which will be very little beneficiall to the Subiects, but exceeding advantagious to Your Maiesty, in supplying Your Army with many necessaries, and making Your Quarters a Staple for such Commodities as may be vented in the adiacent Counties, and so draw many thither, whereby the Inhabitants will be better inabled by Loanes, and Contributions, to support Your Maiesties Army. And as Your Maiesties Army may receive much advantage, and the other Army much danger, if such freedom should be granted to these places; So there is no probability that the Army raised by the *Lords* and *Commons* shall have any return of Commodities, and other supplies from thence, which may be usefull for them; and they conceive, that in a Treaty for a Cessation, those demands cannot be thought reasonable, which are not indifferent, That is, equally advantagious to both parties.

As they have given no interruption to the Trade of the Kingdom, but in Relation to the supply of the cõtrary Army, which the reason of War requires; so they beseech Your Maiesty to consider, whether Your Souldiers have not robbed the Carriars in severall parts, where there hath been no such reason; And Your Ships taken many ships to the great damage, not only of particular Merchats, but of the whole Kingdom; And whether Your Maiesty have not declared Your own purpose; and indeavour by Your Ministers of State, to imbargue the Merchants goods in Forraign parts, which hath been in some measure executed upon the East-land Merchants in *Denmarke*, and is a Course which will much diminish the wealth of the Kingdom,

violate

violate the Law of Nations, make other Princes Arbiters of the differences betwixt Your Majesty and Your People, break off the intercourse between this, and other States, and like to bring us into Quarrells and dissentions with all the neighbour Nations.

2. To demand the approving of the Commanders of the Ships, is to desire the strength of one party to the other, before the difference be ended, & against all Rules of Treaty; To make a Cessation at Sea, would leave the Kingdom naked to those Forraigne Forces, which they have great cause to beleive, have been sollicited against them, and the Ports open for such supplies of Armes, and Ammunition, as shall be brought from beyond the Seas: but for Convoying any number of Forces by those means from one part to another, They shall observe the Articles of the Cessation, by which that is restrained.

3. As for the expression of the Army raised by the Parliament; They are contented it should be altered thus, (raised by both Houses of Parliament) as not desiring to differ upon words, but to give any conclusive power in this case to the Committee, upon such differences, as may arise, wherein the Houses have given no expresse direction, is neither safe for the Committee to undertake, not fit for the two Houses to grant; yet to debate and to presse the Reason of their desires, whereby an agreement from Your Majesty may be procured, is granted to them: And although the two Houses did think it most proper the Cessation should be first agreed on, and that it was unfit to Treat in blood, Yet to satisfie the World of their earnest longing after Peace, They have given power to the Committees, to enter into the Treaty upon the two first Propositions, notwithstanding the Cessation be not yet assented to; And those being agreed, they hope the Foundation will be layed, not only of a suspension, but of a totall abolition of all Hostility in the Kingdom.

4. If the nature of Warre be duly considered, it must needs be acknowledged, that it is incompatible with the ordinary Rules of a peacable Government; Your Majesty would have them commit none, but according to the knowne Lawes of the Land, whereby they conceive Your Majesty understands, that it must be by the ordinary Processe of Law, which being granted, it will follow, that no man must be committed by them for supplying Your Majesty

Armes, Powder and Ammunition; For by the Law of the Land, the Subjects may carry such goods from *London*, or any other place, to *Oxford*; The Souldiers must not be committed, if they run from their Colours, and refuse any duty in the Army; no man shall be committed for not submitting to necessary supplies of Money; so that if this be yeelded, in Your Majesties sense, they shall be disabled to restrain supplies from their Enemies, and to govern or maintaine their own Souldiers; It cannot be thought reasonable, that under the disguise of a Cessation, they should admit that which will necessarily produce the dissolving of the Army, and destruction of the Cause.

It seemes not probable that Your Majesty doth intend, that if any be taken with supplies for this Army, or mutining in Your owne, That such Persons shall not be committed, but according to the knowne Lawes of the Land, that is, by processe of Law, but rather, that Your Majesty will so interpret this limitation of known Lawes, that although it lay strait Bonds upon the two Houses, yet it leaves Your Generall as much liberty as before, for it hath been denyed by Your Majesty, that these knowne Lawes give any power to the two Houses of *Parliament* to raise Armes; and so consequently their Generall cannot exercise any Martiall Law in those cases; and it is not unlike, but that it will be affirm'd, that the Generalls, constituted by Your Majesties Commission have that power by the same knowne Lawes; so that this Article, under the specious shew of Liberty and Law, would altogether disable them to defend their Liberties and Lawes, and would produce to Your Majesty an absolute Victory and submission, under pretence of a Cessation and Treaty.

5. Being by necessity inevitable on their part inforced to a defensive Warre, in this unhappy breach between Your Majesty and them, and that they are therein warranted both by the Lawes of God and man, it must needs follow, That by the same Lawes they are inabled to raise meanes to support that Warre; and therefore till it shall please God to incline Your Majesty to afford them such a Peace as may secure them, they cannot relinquish the power of laying Taxes upon those who ought to joyne with them in that defence; and the necessary waies of leavying those Taxes upon them in case of refusall; for otherwise their Army must needs be dissolved: But if Your Majesty shall consent to disband the Armies, the

cause

cause of the Warre being taken away, the consequences will likewise be removed, and the Subject restored to the benefit of those Lawes, which the necessity of Armes hath in such cases suspended.

6. They deny any pretence of consenting to those alterations and additions offer'd by Your Majesty, only in the preamble. They say, they have considered of those Articles, with such alterations & additions, Unto which Articles they protest they were ready to agree, not as they were accompanied with those alterations and additions, but in such manner as they expressed. As for the clause left out in the third Article, it implyed a freedome of passage, and communication of Quarters, which is contrary to the nature of a Cessation, whereby matters should be preserved in the stand they are, and neither party have liberty so much to advantage himself, as it is evident Your Majesty might doe, if Your Forces in the *North* and *West* might joyne with those at *Oxford*, and bring those supplies of Treasure or Armes thither which were brought out of *Holland*; or at least it should be so indifferent, as to give a proportionable advantage to the other side, which this doth not; for the Forces under the power of both Houses are so disposed, that they have an easy passage from one to the other; But Your Majesties Forces are severed the one from the other by many large Counties, strong Passes, and competent Armies; and if they had admitted this Clause, they had bereaved themselves of one of the greatest advantages, and freed Your Majesties party of one of the greatest inconveniencies, which Your Majesty or they have in this Warre.

For the Reasons alleadged, they cannot agree to the alterations and enlargements of the Cessation propounded; or to transferre any such power to the Committee of Treaty, debating and agreeing upon those Articles in any other manner, then the Houses have directed; but that a faire and speedy passage may be opened to a secure and a happy Peace, they have enabled their Committees to Treat and debate upon the two Propositions concerning His *Majesties* owne Revenue, the delivery of His Townes, Castles, Magazines, and Ships, and the disbanding the Armies; which being agreed upon, a present Peace and security will follow; And the Treaty upon the other Propositions be facilitated without feare of interruption, by the confusion of Warre, or exasperation of either party, by the bloody effects thereof.

In

In which Treaty the two Houſes will deſire and expect nothing but what doth ſtand with Your Majeſties Honour, and the Truſt repoſed in You, and is neceſſary for Your Majeſties good Subjects, that they may enjoy the true Religion, and their Liberties, and Priviledges; And that they may freely, and in a Parliamentary way, concurre with Your Majeſty, in thoſe things which may conduce to the glory of God, the ſafety and happineſſe of Your Majeſty, and Your Poſterity, and People; And preventing the like miſerable effuſion of Engliſh Blood for the time to come; For the effecting whereof, their moſt earneſt prayers, and uttermoſt endeavours, ſhall ever be faithfully and conſtantly imployed, in hope, that God will give a bleſſing thereunto.

HIS

HIS MAJESTIES ANSWER TO THE AFORE-said REASONS.

HOw His Majesty hath spent His time since the Committee from His two Houses of Parliament came hither; How willing He hath been (during the foure dayes allowed to them) to expedite the Treaty it selfe, by the free and diligent disquisitions of the particulars, comprised in those two first Articles; And how intent He hath been upon the Cessation (which He thinks so necessary, and so much desires) since the last Message concerning the same came to Him, the Committee themselves cannot but observe. And though no conclusion could be made within the two dayes (a time limited with much strictnesse in a businesse of so great moment, where all words and expressions must be carefully and exactly weighed) His Majesty cannot doubt but both Houses will be willing to give and receive satisfaction in any particulars which are necessarily to be considered in concluding the same, though the two dayes are expired. And if His Majesty enlarges himselfe in His Replies more then may seem necessary to the Propositions and differences in debate, it must be remembred by what unnecessary & unwarrantable expressions in this last Message from His two Houses, He is not only invited, but compelled thereunto; which he could heartily have wished might upon this occasion have been forborne.

1. For the Freedom of Trade, His Majeſty hath great Reaſon to Require, and the two Houſes to admit that freedom to His good Subjects He deſired. For what concernes the ſupply of the Army with Armes, Ammunition, Mony, Bullion, and Victualls, He conſented to the very termes propoſed by the two Houſes, and that they may be obſerved, is contented that ſearches may be made, which being but the trouble of particular Perſons, is not conſiderable, in reſpect of the publique benefit and advantage. But why all other Liberty of Traffique and Commerce ſhould not be granted to His good Subjects, He cannot underſtand, for that His Majeſties Army ſhould receive much advantage thereby, and the contrary Army none, is in no degree confeſſed, for (beſides that the reſtraint is to places, where no part of His Majeſties Army is, and indeed the whole Trade of the Kingdom interrupted) 'tis as great a ſupport, if not a greater to the contrary Army to maintaine and keep up the Trade of *London*, from whence that receives its ſupply and reliefe, as to His Majeſties Army to continue the Trade of *Oxford*, or any other place, where His Forces reſide, and to ſtop and ſeize the Cloath, Kerſies and other Weſtern Commodities (which His Majeſty can dayly doe from *Reading*) would be as great diſturbance to the Trade of *London*, as the ſeizing of any Commodities (which may be done by the *Earle* of *Eſſex* from *Windſor* or *Wickam*) can be to the Trade of *Oxford*. And therefore His Majeſty hath great Reaſon to Preſſe, that mutuall and univerſall freedom to all His good Subjects may be granted; otherwiſe He muſt either permit that licence to His Army, to ſeize the goods of His People in their paſſage to *London*, and to interrupt and breake the Trade and Correſpondence of the Kingdome, (which, both out of publique conſideration, and private Compaſſion His Majeſty is moſt averſe from) or elſe muſt

grant

gratt that evident benefit and advantage to thoſe who deny the ſame to Him, and to His People for His ſake. And it cannot be denyed, but this freedom is ſo very beneficiall to His Subjects, and ſo wholy conſiderable to His Majeſty under that Notion, that their very ſubſiſtence depends upon it, and by this meanes Trade may be continued, which if a little more ſuppreſſed by theſe Diſtractions, will not be eaſily recovered, even by a ſetled Peace.

His Majeſty believes that ſome Cariers have been rob'd by His Majeſties Souldiers, but 'tis as true that no complaint hath been made to Him of that kind, which He hath not received to the Reliefe and Reparation of the Petitioners, and 'tis therefore His deſire that both Houſes would joyne with Him, (at leaſt during the Ceſſation) that there might be no more ſuch violences and Interruptions offered to His good Subjects by either ſide.

For the imbarguing the Merchants goods in Forraigne parts, His Majeſty denyes, that any endeavour hath yet been made by His Miniſters of State to that purpoſe; But 'tis true His Majeſty hath declared His Reſolutions, which He ſhall purſue, that ſuch perſons who abſolve themſelves from their obedience to Him, and aſſiſt or conſent to Actions of Diſloyalty to Him here, ſhall be deprived of thoſe advantages, and muſt not expect that Protection from Him abroad, which is due, and which He alwayes hath and will allow to His good Subjects: and this is not to make other Princes Arbiters of the differences betwixt His Majeſty and His People, but to uſe the mutuall Amity and Correſpondence with other Princes for the maintenance and ſupport of that Dignity for which it is made and entred into.

2. His Majeſty did not demand the approving of the Commanders of Ships only with reference to His preſent Right, for then He would have demanded not the approba-

tion of the Commanders, but the ships themselves, But this demand was and is a thing most necessary for His Majesty, for the setting out the present Fleet is pretended to be for the Defence of His Majesties Dominions, and which cannot conveniently suffer any Alteration in Commanders, if the Cessation and Peace should be fully and speedily agreed upon, and therefore 'tis most necessary for His Majesty to know both the Designes, and to approve of the Commanders, who will not be so fit to be altered when once they are sent out. His Majesty cannot see how a Cessation at Sea between His Majesty and His Subjects should leave the Kingdom naked to forraigne Forces, (continuance of Warre may well doe it) and His Majesty is willing to concurre in the resistance of all such of what kind soever, And expects that, during the Cessation, the conveying all Forces from one part to another by Sea, for the assistance of the Earle of *Essex*, be restrained, which both Houses seem now to consent to, which was not at all expressed in their former Articles.

3. His Majesties opinion how unfit it was to Treat in blood, sufficiently appears, this debate concerning a Cessation arising first from His Majesties motion, (it being left out in the Answer to His Message for a Treaty) in order to which He had and hath great reason to desire, that the Committee may have Liberty to debate and conclude any differences and expressions in the Articles of the Cessation, that the same may be reconciled and removed without remitting all Questions to *London*. For as those now consented to, might in much lesse time have been agreed here, if there had been that Liberty, so there can hardly be a right and cleer understanding of Intentions without expounding of words, and knowing the meaning from each other, as

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in the consent which His Majesty now understands to be given by both Houses, that no Forces shall, during the Cessation, be sent by Sea, for the relief of any place now held by them, the Expression is not so clear, but referreth to Articles, in which if it was not comprised before, as His Majesty doth not conceive it was, no Alteration is made by what now seems to be consented to; And the Liberty which to all understandings may seem to be given by removing out of one Quarter to another, within the Precincts proposed, is not yet so demonstrable, The Committee having no Power to answer what they understand in that poynt, which is most necessary to be known, that the Peace be not broken during that Cessation. And His Majesty wonders that it should be thought unsafe or unfit to give such a conclusive power of such differences and doubts to the Committee here, when 'tis notoriously known, that the very Liberty and Property of the Subject is committed, not only to other Committees of the Houses without reporting to the Houses, but to persons who are imployed by them unintersted in, and unacquainted with the directions of either or both Houses.

4. It was no part of His Majesties Intention, that His Article against Imprisonment of His Subjects, otherwise then according to the known Lawes of the Land, should extend to the destruction of the military Discipline of either Army; but this is a very sufficient instance of the necessity of enabling some Persons to conclude upon these Articles, without which (through Inanimadvertence or doubtfulnesse in the Expressions) they who are neerest of a mind, will hardly ever come to conclude, if every *Punctilio* must be forced to be sent forwards and backwards a hundred miles; and (if this Authority had been given to

the Committee here, as for such causes was desired) a limitation of halfe a dozen words (which would have been as soon agreed to as proposed) would have saved most of this fourth Reason; and he that desires any thing necessary to the speed of this Cessation gives a good argument of desiring the Cessation it selfe, and who ever is averse to the one, can hardly be thought inclinable to the other.

But such of His Subjects as are not concerned in the Discipline of the Army, are not concerned in this objection, and His Majesty hath reason to insist that the same Liberty may be restored to them in which they were borne, and the Care and Defence of which is so much, and so meerly pretended by those who deny it to them.

5. Though it grieves His Majesty to the Soul to see the present miserable condition of His Subjects groaning under so many visible pressures, because of an invisible necessity, and plundred and imprisoned to maintain such a defensive Warre as was begun to be raised against Him, before His *Majesty* had granted one Commission to raise a man, yet He cannot but be pleased with the Ingenuity of this Confession, that the implicite Faith of His seduced Subjects begins to wear out so fast, that the Authority of declaring new unknown fundamentall Lawes, doth not now so work with them, to believe that these Taxes are laid according to the Lawes of God and Man, nor the many pr[illegible]es of imminent dangers, and inevitable ruine of their Religion, Lawes and Liberties, so perswade them to believe this Cause to be the Cause of the Kingdom, but that if their cause, authority and eloquence were not assisted by Force and Rapine, their Army must needs be dissolved for want of being thought fit, much lesse necessary to be paid by those, who have equall Right to judge of the necessity and

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danger, and for whose sakes, interests, and concernments only it was pretended to be raised, and who are defended by it against their wills. Nor is it strange, that His Majesty cannot receive these Charges upon Him as a reason to make Him contented and acquiesce with these Injuries to His Subjects, or that they who saw His Majesties Condition the last Yeare (till continued violence against Him opened the Eyes and Hearts of His Subjects to His Assistance) should not believe that He began that Warre, which they saw Him to unlikely to resist, or that they, who could never find nor hear from them (who use not too modestly to conceale what is for their advantage) that from the beginning of the world to this present Parliament ever one man was raised before by Commission from both Houses, should not believe the raising of that their Army to be so warranted as is pretended, and any more approve of their Law then of their necessity, or that they who know that His Majesty (in whom the power of making Warre and Peace was never denied to be, till these new Doctrines which make it unlawfull for Him to do any thing, & lawfull to do any thing against Him, were of late discovered) though He can legally raise an Army, is not allowed to be legally able to raise Mony to maintain it, will not allow of the argument from the Power of Raising to the Power of Taxing, and are as little satisfied with their Logick as with their Law, and extreamly troubled to pay an Army they doe not desire, for a necessity they cannot see, by a Law they never heard of, and that other men without their consent must be jealous, fearfull and quicksighted at their charges; and they have great Reason to be apt to suspect that those made most hast to make a Warre, and have least desire of making Peace, who in time of Warre pretend their legall power to be so vastly

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enlarged. His Majesty therefore hath great reason to insist that no violence or Plunding be offered to His Subjects for not submitting to the illegall Taxes of one or both Houses, which in it selfe is equall, His Majesty being willing to be obliged from the like Course, and relying wholly upon the known Iustice of His Cause, and the affection of His People, and in which (if the Kingdom be of their mind, and believe the Cause of the contrary Army to be really their own) the advantage would be wholly theirs. And this Iudgement will be best given, when the People is left to their Liberty in this decision.

His Majesties reall desire of disbanding the Armies may fully appeare by His often seeking and earnest Endeavours to continue and conclude this Treaty in order to that disbanding.

6. His Majesty leaves their Preamble to all the World to consider, and to judge whether any man by their saying, *they were ready to agree to His Majesties Articles in the manner as was expresst*, would not have expected to have found, after that expression, that they had agreed at least to some one thing materiall in them, and had not only meant by agreeing as was expresst, to expresse they would not agree at all.

For the clause of Communication of Quarters so quietly left out, His Majesty looks upon it as of most infinite importance, the leaving out of that, having discompos'd the whole, many things having in the rest been assented to, which were therefore only yeelded, because the Inconveniences growing by those clauses, if they were alone, were salved by that Addition, and some things in the other very darke and doubtfull, were by that interpreted and cleered. And His Majesty is sufficiently informed how highly it concernes

concernes Him, that every thing be ſo cleer, that after no Differences may ariſe upon any diſputable Poynt, ſince they whoſe Vnion, Induſtry, Subtilty and Malice could perſwade any of His People, that in the buſineſſe of *Braincefford* He had broken a Ceſſation, before any was made or offered, would have a much eaſier work to lay the breach of a made Ceſſation to His Majeſties Charge, if the ground of that breach would beare the leaſt diſpute.

His Majeſty doth agree, that to preſerve things in the ſame State on both ſides with as little Advantage or diſadvantage to either, as the matter will poſſibly bear, is truly the nature of a Ceſſation, and is willing this Principle ſhould be made the Rule, and never intended any thing that ſhould contradict it; But cannot ſee the inequality in this which is pretended. For could Sir *Ralph Hopton* and the Earle of *Newcaſtle* come by this meanes to the King, and not the Earle of *Stanford*, and Lord *Fairfax* to the Earle of *Eſſex*? Nor can His Majeſty finde any ſtronger Paſſes or Forces to hinder His Armies from joyning with Him, then hinders theirs from joyning with them. If the forces be unequall, theirs will hardly hinder the paſſage of His without a Ceſſation; if they be equall, their comming in time of a Ceſſation will be of equall uſe and advantage to their ſide, ſomewhat in poynt of ſupplies to come with them excepted, and ſome advantage to one ſide will be, poyſe it how you will. But on the other ſide, if this clauſe be not in, how much greater is the diſadvantage the other way by ſome Clauſes? And how are His Forces, principally the Earle of *Newcaſtles* cooped up in old and eaten up Quarters, or neceſſitated to retire to ſuch as are more barren and more eaten? So that if this were yeelded to, under the diſguiſe of a Ceſſation, He muſt admit that which will much endan-

ger the diſſolving of the Army, and deſtruction of the Cauſe, which is ſuch a diſadvantage as is againſt the nature of a Ceſſation formerly agreed and ſtated.

Notwithſtanding all this, His Majeſty, to ſhew His extraordinary and abundant deſire of Peace, and to prevent the effuſion of Blood, is contented, if both Houſes ſhall refuſe to cõſent to His Propoſitions, which are ſo much for the benefit & advancement of the publique Trade & advantage of His good Subjects, to admit a Ceſſation upon the matter of their owne Articles; expecting that Liberty be given to the Committee to word it according to the reall meaning and intention, and that the Remove of Quarters within their own Bounds, which is intended, may be ſo expreſt and underſtood, that no miſtakes may ariſe, ſo that His Majeſty may not be underſtood to Conſent to any impoſing upon, leavying, diſtraining, or impriſoning His good Subjects, to force them to contribute or aſſiſt againſt Him, (which He ſhall alwayes continue to inhibite, requiring all men to reſiſt thoſe illegall Acts of injuſtice & violence, againſt which He doth abſolutely proteſt;) And ſo that there may not be a Liberty for any Rapine, Plundring or ſeaſing upon His Subjects by any of the Souldiers of the Army, for not ſubmitting to ſuch illegall impoſitions as aforeſaid. For otherwiſe they may, during the Ceſſation, (beſides what is already impoſed) impoſe new taxes not only to the nineteenth part, but if they pleaſe (for their pleaſure is all their bound) to the halfe of, or all their Eſtates, upon His good Subjects in His City of *London*, and all Counties within their reach; And their Army would then be at leaſure to be imployed as Collectors, as well of the old impoſitions (which in moſt places without their Army they cannot leavy) as of any ſuch new ones; And vaſt ſummes would and might by this

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meanes be raiſed to the Deſtruction of His Subjects, extraordinary advantage to them, and great diſadvantage to His Majeſty, who can neither obtaine His own conſent to take the like courſes, nor in Caſe He could, is He ſo Quartered, as to have within the Power of His Army (without breach of the Ceſſation by drawing neerer to their Forces) any ſuch City, or ſo many, ſo rich and ſo freſh Counties, as they have to retire into to that purpoſe. So that as nothing is more juſt in it ſelfe, and for His People, then ſuch a limitation, ſo nothing can be more unequall to His Majeſty, or more advantagious to them, then the admiſſion of, or connivence to any ſuch practices upon His People. This Ceſſation to begin on the ninth of *April*, and to continue to the end of twenty dayes from the 25. of *March*. And His Majeſty deſires that the Treaty may proceed upon the Propoſitions in order, upon which His Majeſty hath an earneſt deſire, that a firme and ſtable Peace may be agreed on, and both Armies ſpeedily disbanded, otherwiſe, if during this Ceſſation (in the Articles of which His Majeſty in order to Peace, hath yeelded to things manifeſtly unreaſonable and prejudiciall to His Army) the Treaty be not diſpatched, His Majeſty cannot without manifeſt ruine to His Army (principally that of the *North*) be able to containe Himſelfe beyond this time, now limited for the Ceſſation, in the Quarters in which He hath ſo long been, and now is, and which will hardly be able to hold out ſo long, but muſt be forced to remove, as He ſhall find agreeable for His occaſions.

And in caſe any delay be made in conſenting to theſe His Majeſties Limitations, or that the Houſes ſhall reject this His offer of Ceſſation, His Majeſty as He hath lately deſired (by a Propoſition to both Houſes, delivered to their

Committee, to which He hath yet received no Anſwer) ſo He doth earneſtly continue to deſire, that the Treaty it ſelfe may not be delayed or interrupted by it, but that their Committee may be enabled to proceed upon it in the mean while.

April. 8. 1643.

BY Inſtructions this day received from both Houſes of Parliament, we humbly conceive that we are to acquaint Your Majeſty, that they have taken into conſideration Your Majeſties Anſwer to their Reaſons concerning the Ceſſation, wherein there are diverſe expreſſions which will occaſion particular replyes, which at this time they deſire to decline, their wiſhes and endeavours being earneſtly bent upon the obtaining a ſpeedy Peace, for which cauſe they doe not thinke good to conſume any more of the time allowed for the Treaty, in any farther debates upon the Ceſſation, concerning which they find Your Majeſties Expreſſions ſo doubtfull, that it cannot be ſuddenly or eaſily reſolved, and the remainder of the time for the whole Treaty, being but ſeven dayes, if the Ceſſation were preſently agreed, it would not yeeld any conſiderable advantage to the Kingdom.

Wherefore we are required to deſire Your Majeſty to give a ſpeedy and poſitive Anſwer to the firſt Propoſition concerning the Disbanding, that ſo Your Subjects may not only have a ſhadow of Peace in a ſhort time of Ceſſation, but the ſubſtance of it in ſuch manner as may be a perpetuall bleſſing to them, by freeing the Kingdom from thoſe miſerable effects of Warre, the effuſion of Engliſh Blood, and deſolation of many parts of the Land.

Northumberland.

Will. Pierrepont. *Will. Armyne.*

Joh. Holland. *B. Whitelocke.*

HIS

HIS MAJESTIES

Gratious Meſſage to both Houſes, in *Anſwer to the foregoing Paper.*

IF the Committee, according to His Majeſties deſire, had had but power to agree in the wording of Expreſſions in the Articles of Ceſſation, His Majeſties (which are as clear as the matter would beare, and as He could make them) had not appeared ſo doubtfull to any, but that the Ceſſation might have been ſuddenly and ſpeedily reſolved, and that long before this time. And if the Expreſsions of both Houſes in their Reaſons had not neceſsitated His Majeſty in His own Defence, to give ſuch Anſwers as could not upon thoſe poynts deliver Truth without ſome ſhew of ſharpneſſe, no expreſsion of that kind in His Majeſties anſwer had given any pretence for the Rejection of, or refuſing ſo much as to Treat upon the Ceſſation; Which (though it were at preſent for no long time, yet) was from the day named by themſelves the 25. of *March*. Whereas His Majeſty firſt mov'd for a Ceſſation and Treaty without any Limitation at all in the time of either; and His Majeſty was moſt ready to have enlarged the time (ſo that in the mean while the poynt of Quarters might be ſo ſetled, as that His Armies might ſubſiſt,) and which might have been (if they had pleas'd) a very good and promiſing earneſt and Forerunner of that great Bleſsing of Peace; for the obtaining of which the wiſhes and endeavours of all good men being earneſtly bent, a farther debate in order to ſo great a benefit did not deſerve to be ſtiled a Conſumption of time. And His Majeſty cannot but

conceive Himſelfe, to be in a ſtrange Condition, if the doubtfulneſſe of Expreſsions, (which muſt alwaies be, whileſt the Treaty is at ſuch a diſtance, and power is denied to thoſe upon the place to help to clear and explain) or His neceſſary Replying to Charges laid upon Him, (that Hee might not ſeem to acknowledge what was ſo charged) or the Limitation of the time of ſeven daies for the Treaty (which was not limited by His Majeſty, who ever deſired to have avoyded that and other Limitations, which have given great interruptions to it) ſhould be as well believed to be the Grounds, as they are made the Arguments of the Rejection of that, which (next to Peace it ſelfe) His Majeſty above all things moſt deſires to ſee agreed and ſetled, and which His Majeſty hopes (if it may be yet agreed on) will give His People ſuch a Taſt of ſuch a Bleſsing, that after a ſhort time of conſideration and comparing of their ſeverall Conditions in Warre and Peace, and what ſhould move them to ſuffer ſo much by a Change, they will not think thoſe their Friends that ſhall force them to it, or be themſelves ready to contribute to the renewing of their former miſeries, without ſome greater evidence of Neceſsity then can appeare to them, when they ſhall have ſeen (as they ſhall ſee, if this Treaty be ſuffered to proceed) that His Majeſty neither askes nor denies any thing, but what not only according to Law He may, but what in Honour and Care of His People He is obliged to ask or deny. And this alone (which a very ſhort Ceſſation would produce) His Majeſty eſteemes a very conſiderable Advantage to the Kingdom; and therefore cannot but preſſe again and again, that whatever is thought doubtfull in the Expreſsions of the Articles, may (as in an Houre it may well be done) be expounded, and whatſoever is excepted at may be debated

and

and concluded, and that Power and Inſtructions may be given to the Committee to that end, that the miſerable effects of Warre, the effuſion of Engliſh blood, and deſolation of England (untill they can be totally taken away) may by this means be ſtayed and interrupted.

His Majeſty ſuppoſes, that when the Committee was laſt required to deſire His Majeſty to give a ſpeedy and poſitive Anſwer to the firſt Propoſition concerning disbanding, His anſwers in that poynt (to which no reply hath been made, and which He hopes by this time have given ſatisfaction) were not transmitted and received, but wonders the Houſes ſhould preſſe His Majeſty for a ſpeedy and poſitive Anſwer to the firſt part of their firſt Propoſition concerning disbanding, when to the ſecond part of the very ſame Propoſition, concerning His returne to both Houſes of Parliament, they had not given any power or inſtructions to the Committee, ſo much as to Treat with His Majeſty; And when His Majeſty (if His deſire of Peace and of ſpeeding the Treaty in order to that had not been prevalent with Him) might with all manner of Iuſtice have delayed to begin to Treat upon one part, untill they had been inabled to treat upon the other; In which poynt, and for want of which Power from them, the only ſtop now remaines, His Majeſties Anſwers to both parts of their firſt Propoſition, being given in, tranſmitted, and yet remaining unanſwered. To which, untill the Houſes ſhall be at leaſure to make anſwer, that as little delay in this Treaty, as is poſſible, may be caus'd by it, His Majeſty deſires likewiſe, That the Committee may be inabled to Treat upon the following Propoſitions in their ſeverall orders.

FINIS.

and concluded, and that Power and Instructions may be given to the Committee to [illegible] the [illegible] of Warre, the [illegible] of English [illegible] and [illegible] of England [illegible] they can be [illegible] away, may by this means be [illegible] and [illegible].

His Majesty supposes, that when the Committee was first required to desire his Majesty to give Hereby and positive Answer to the first Proposition concerning disbanding, His answers in that [illegible] to which no reply hath been made, and which he hopes by this time have given satisfaction, were not [illegible] and [illegible], but wonders the Houses [illegible] His Majesty for a Hereby and positive Answer to the first part of their first Proposition concerning disbanding, when to the second part of the very [illegible] concerning [illegible] to both Houses of Parliament, they had not given any power or instructions to the Committee, so much as to Treat with His Majesty; And when His Majesty (if His desire of Peace and of speeding the Treaty in order to that had not been prevalent with Him) might with all manner of Justice have delayed to begin to Treat upon one part, until they had been inabled to treat upon the other, in which point, and for want of which Power from them, the only stop now remaines. His Majesties Answers to both parts of their first Proposition being given in, transmitted, and yet remaining unanswered. To which, until the Houses shall be at leasure to make answer, that as little delay in this Treaty, as is possible, may be caused by it, His Majesty desires likewise, That the Committee may be inabled to Treat upon the following Propositions in their severall orders.

FINIS.

THE COLLECTION OF ALL THE PARTICULAR PAPERS that passed between HIS MAJESTY, BOTH HOUSES, AND THE COMMITTEE, Concerning the late TREATY.

Printed by His Majesties Command
AT OXFORD,
By Leonard Lichfield, Printer
to the Vniversity. 1643.

BIBLIOTHECA·BODLEIANA·

HIS MAIESTIES QVESTIONS

Before the Treaty, and the COMMITTEES Anſwer, *March.* 25. 1643.

His Majeſtie deſires to be anſwered theſe Queſtions, in writing, by the COMMITTEE of both Houſes.

1. WHETHER they may not ſhew unto Him thoſe Inſtructions (according to which they are to Treat and debate with His Majeſtie upon the two firſt Propoſitions) of which the laſt Meſſage from both Houſes to His Majeſtie takes notice, and referres unto?

2. Whether they have power to paſſe from one Propoſition to the other, in the debate, before His Majeſtie have expreſt His mind concerning the Propoſition firſt entred into?

3. Whether they have power to give an entire Anſwer to His Majeſties firſt Propoſition, before His Majeſties Reply to any part thereof, or to paſſe from one part of that Propoſition to another part of the ſame, before His Majeſtie have given a Reply concerning that part?

4. Whether in caſe His Majeſties Anſwer or Reply to any part of either Propoſition doe not ſatisfie them, they have power to ſend up that His Anſwer or Reply to both Houſes, and proceed upon the debate of another part of the ſame?

5. Whether they have power to conclude those two Propositions?

6. Whether they have Power to presse or consent unto the execution of either of these two Propositions, or any part of them, till the whole Treaty be agreed upon?

THE

COMMITTEE OF LORDS & COMMONS appointed to attend His MAJESTIE upon the Treaty, doe humbly returne these Answers to the Questions *propounded by His* Majestie. *March*, 25. 1643.

To the first. THEY are injoyned not to shew or discover their Instructions, or to give any Copie of them.

To the second. Concerning His Majesties first Proposition, and the first Proposition of both Houses of Parliament, they humbly conceive they may passe from the one Proposition to the other after that His Majestie hath given His Answer to the particular part of either Proposition that shall be in debate.

To the third. They humbly conceive, That they are to receive His Majesties reply to that part of the Proposition to which they give their Answer, before they proceed to any other part of either Proposition.

To the fourth. They humbly conceive, That when they have received His Majesties Answer or Reply to any part of either Proposition, wherein they are not satisfied, they are to send that His Majesties Answer, or Reply to both Houses, and in the meane time may proceed to another part of either Proposition.

To the fifth. They humbly conceive they may conclude these two Propositions if they be agreed unto according to their Instructions.

To the sixth. They humbly conceive they may presse and consent

sent unto the execution of the two Propoſitions, according to their Inſtructions, before the whole treaty be agreed upon.

THE PAPERS CONCERNING leave to repaire to his MAJESTIE.

March. 27. 1643.

WHereas we humbly preſented to Your Majeſtie ſeverall Anſwers to Your Majeſties demands in your firſt Propoſition, and in reply to thoſe anſwers, we have received ſeverall Papers from Your Majeſtie. Our humble deſires are that Your Majeſtie would be pleaſed to give us leave to repaire unto you, for our farther ſatisfaction upon any doubts which ſhall ariſe amongſt us in thoſe Papers we have already received, or any other which we ſhall hereafter receive from Your Majeſtie, before ſuch time as we ſhall tranſmitt them to both Houſes of Parliament.

Northumberland

John Holland. *Will. Armyne.*

Will. Peirrepoint. *B. Whitelocke.*

March. 28. 1643.

HIS Majeſtie is pleaſed, that the *Committee* of both Houſes repaire unto Him for their further ſatisfaction upon any doubts which ſhall ariſe amongſt them, in the Papers they have already received, or any other which they ſhall hereafter receive from His Majeſtie, & to which they ſhall not have acquieſced, before they tranſmitt them to both Houſes of Parliament.

FALKLAND.

THE PAPERS CONCERNING the REVENUE. *March.*26. 1643.

To that part of Your MAIESTIES firſt Propoſition concerning Your MAIESTIES owne Revenue, wee give this anſwer.

THE two Houſes of *Parliament* have not made uſe of Your *Maieſties* owne Revenue, but in a very ſmall proportion, which for a good part hath been imployed in the maintenance of Your *Maieſties* Children, according to the allowance eſtabliſhed by Your Selfe. And the two Houſes of *Parliament* will ſatisfie what ſhall remaine due to Your *Maieſty* of thoſe ſummes received out of Your *Maieſties* owne Revenue. And will leave the ſame to Your *Maieſtie* for the time to come.

Wee likewiſe humbly propoſe to Your *Maieſty*, that You will reſtore what hath been taken for Your *Maieſties* uſe, upon any of the Bills aſſigned to other purpoſes, by ſeverall Acts of *Parliament*, or out of the proviſion made for the Warre of *Ireland*.

Northumberland.

Will. Pierrepont. *Will. Armine.*
Ioh. Holland. *B. Whitelocke.*

THE PAPERS CONCERNING the REVENUE. *March.*26. 1643.

HIS Majeſty knowes not what Proportion of His Revenue hath been made uſe of by His two Houſes of Parliament, but He hath Reaſon to beleeve, that if much of it hath not been uſed, very much remaines ſtill in their hands, His whole

whole Revenue being ſo ſeized and ſtopped by the orders of one or both Houſes, even to the taking away of His Money out of His Exchequer and Mint, and Bonds (forced from His Cofferers Clerks) for the Proviſion of His Majeſties Houſhold, that very little hath come to His Majeſties uſe for His owne ſupport. He is well contented to allow whatſoever hath been imployed in the maintenance of His Children, and to receive the Arreares due to Himſelfe, and to be ſure of His owne for the future.

He is likewiſe willing to reſtore all Moneys taken for His Majeſties uſe by any Authority from Him, upon any Bills aſſigned to other purpoſes; His Majeſty being aſſured He hath Received very little or nothing that way, and expects that ſatisfaction be made for all thoſe ſeverall vaſt ſummes received & diverted to other purpoſes, by orders of one or both Houſes, which ought to have been paid upon the Act of Pacification to His Subjects of *Scotland*, or imployed for the diſcharge of the Debts of this Kingdome, and by other Acts of Parliament for the releife of His poor Proteſtant Subjects of *Ireland*.

FALKLAND.

THE PAPERS CONCERNING the REVENUE, *March.* 27. 1643.

HIS Majeſty deſires to be reſolved by the Committee from both Houſes, whether their Propoſition to His Majeſty to reſtore what hath been taken for His Majeſties uſe upon any of the Bills, *&c.* be a new demand, or a condition

dition upon which only that is granted which goes before?

FALKLAND.

March 27. 1643.

WHereas Your Majesty desired to be resolved by us, whether the Proposition to Your Majesty to restore what hath been taken for Your Majesties use upon any of the Billes &c. be a new demand, or a Condition upon which only that is granted which goes before.

We humbly conceive it to be no new demand, but whether it be such a Condition upon which only that which goes before is granted we are not able to resolve.

Northumberland.

W. Pierrepont. *I. Holland.*
W. Armyne. *B. Whitelocke.*

March 27. 1643.

Whereas we have received Your Majesties Answer of the 26. of this instant to ours of the same date, concerning Your Majesties own Revenue.

WE humbly desire to know of Your Majesty, if You will not accompt Your own Revenue to be sure for the future, if both Houses of Parliament doe leave it in the same way as it was before these troubles did begin.

Northumberland.
I. Holland. *W. Armyne.* *W. Pierrepont.* *B. Whitelocke.*

THE

March. 27. 1643.

HIs Majeſty did intend in his former Anſwer by thoſe words (of being ſure of His own for the future) that no reſtraints or Interruption ſhould be made by one or both Houſes in and upon His Majeſties Revenue, but that it ſhould be left in the ſame way it was before theſe troubles did begin.

FALKLAND.

March. 28. 1643.

WEE ſhall tranſmit Your Majeſties anſwer, to that part of Your Propoſition concerning Your Revenue, to both Houſes of Parliament, without farther Reply.

Northumberland
John Holland. *Will. Armyne.*
Will. Peirrepont. *B. Whitelocke.*

THE PAPERS CONCERNING the Magazines.

March. 26. 1643.

To that part of Your Majesties first Proposition concerning Your Magazines, *we humbly give this Answer.*

THat all the Armes and Ammunition, taken out of Your Majesties Magazines, which shall remaine in the hands of both Houses of Parliament, shall be delivered into Your Stores, & whatsoever shall be wanting they will in convenient time supply in kind, according to the Propositions which they have received. We likewise humbly propose unto your Majesty, that the persons to whose charge those publique Magazines shall be committed, being nominated by Your Majesty, may be such as the two Houses of Parliament shall confide in. And that Your Majesty will restore all such Armes and Ammunition as have been taken for Your Majesties use from the severall Counties, Cities and Townes.

Northumberland. *W. Pierrepont.*
I. Holland. *W. Armyne.* *B. Whitelocke.*

March. 27. 1643.

HIs Majesty is content that all the Armes and Ammunition taken out of His Magazines, which doe now remaine in the hands of both Houses, or of Persons employed by them, be forthwith delivered into such of His Stores as His Majesty shall appoynt, and that whatsoever shall be wanting

wanting of the Proportions taken out from thence by them, be ſupplyed by them with all convenient ſpeed in kinde. Which ſhall be committed to, and continued in the cuſtody of the ſworn Officers, to whoſe Places the ſame belongs. And if any of the ſaid Officers ſhall have forfeited, or ſhall forfeit that truſt by any Miſdemeanours, His Majeſty will by no means defend them from the Iuſtice of the Law.

For the reſtoring all ſuch Armes and Ammunition as have been taken for His Majeſties uſe from the ſeverall Counties, Cities and Townes, His Majeſty being compelled to take them, His own being taken from Him, did it alwaies with this Caution and Promiſe to the Places from whence He took them, that He would, by the bleſſing of God, reſtore them againe, and make recompence out of His own Stores, as ſoon as it ſhould be in His Power; which Promiſe He will make good to them; expecting that ſuch Armes and Ammunition as have been taken from the ſeverall Counties, Cities and Townes, for the uſe of the Armies under the Command of the Earle of *Eſſex*, be likewiſe reſtored to them.

FALKLAND.

March 28. 1643.

Whereas we have received Your Majeſties anſwer of the 27. *of this Moneth, to ours of the* 26. *of this inſtant, concerning Your Majeſties Magazines.*

WEE humbly deſire to know of Your Majeſty what time you intend, by the expreſſion in the words (be forthwith delivered.)

We likewiſe humbly deſire to know in what places Your Maje-

fty would have Your Stores, and who are the ſworn Officers Your Majeſty intends, that according to our Inſtructions we may tranſmit their names to both Houſes of Parliament.

Northumberland.

W. Pierrepont. *I. Holland.*
W. Armyne. *B. Whitelocke.*

March 28. 1643.

HIs Majeſty intended by that Expreſsion (be forthwith delivered) as ſoon as the Treaty ſhall be concluded, and agreed on.

FALKLAND.

March 29. 1643.

THe place of Store into which His Majeſty is content that the Armes and Ammunition, taken out of His Majeſties Magazines, be delivered, is His Tower of *London*; and the Officers He intends, are ſuch as by Patent ought to receive and keep the ſame.

FALKLAND.

March 29. 1643.

WEE humbly deſire according to our Inſtructions, that the perſons to whoſe charge the publique Magazines ſhould be committed, being nominated by Your Majeſty, ſhould be ſuch as the Lords and Commons ſhould confide in.

We, not knowing whether the two Houſes will confide in the Perſons Your Majeſty mentions, muſt tranſmit their names to both Houſes

Houſes of *Parliament* to receive their farther Inſtructions.

Northumberland.

Will. Pierrepont. *VVil. Armyne.*
Ioh. Holland. *B. VVhitelocke.*

April. 5. 1643.

HIS Majeſty conceives His Anſwer concerning the Perſons to whoſe cuſtody His Magazines ſhall be committed, to be very cleere and ſufficient, and ſhall forbeare any more particular Nomination of them, the two Houſes well knowing whether they have any juſt exceptions to make againſt any of them, which if they have, His Majeſty will leave them to the due courſe of Iuſtice.

FALKLAND.

April. 10. 1643.

BY Inſtructions yeſterday received from both Houſes of Parliament, we are commanded humbly to deſire your Majeſty to make a further Anſwer to that clauſe of the firſt Propoſition which concernes the Magazines; and we are humbly to acquaint Your Majeſty, that the two Houſes of Parliament doe not think fit to inlarge the time of the Treaty beyond the twenty dayes, formerly limited, to be reckoned from the five and twentieth of *March* laſt, which can admit of no alteration or inlargement without manifold prejudice and danger to the whole Kingdome.

Will. Pierrepont. *Northumberland.*
Ioh. Holland. *Will. Armine.*
B. Whitelocke.

April. 14. 1643.

HIS Majeſty having made ſeverall Anſwers to that Clauſe of the firſt Propoſition, which concernes the Magazines, knowes not what Anſwer to make further, except He were informed what part of the Propoſitions made to Him was not cleerly anſwered, or had Reaſons given Him to change and alter the Anſwer already made; neither of which is yet done. And He is very ſory that both Houſes of Parliament have not thought fit to enlarge the power of the Committee, (whereby leſſe time would have ſerved for the Treaty) & are ſo abſolutely reſolved not to enlarge the time of the Treaty beyond the twenty dayes which (by Meſſages and attending the Inſtructions of the Houſe) are ſo neare ſpent, notwithſtanding all poſſible readineſſe in His Majeſty, & which in truth might have ended all the Propoſitions, if ſufficient authority had been given to the perſons imployed to debate and conclude: neither can His Majeſty underſtand why an Alteration or Inlargement, in the point of time, cannot be admitted without manifold prejudice and danger to the whole Kingdome. He prayes to God, that an Averſneſſe to ſuch an alteration and inlargement may not prove an unſpeakable prejudice and danger to the whole Kingdome.

FALKLAND.

THE

THE PAPERS CONCERNING the Townes, Forts, Cinque-Ports, &c.

March. 27. 1643.

To that part of Your Majesties first Proposition, which concernes Your Majesties Townes *and* Forts, *We humbly give this Answer.*

1. THat the two Houses of Parliament will remove the Garrisons out of all Townes & Forts in their hands, wherein there were no Garrisons before these troubles, and sleight all Fortifications made since that time, and those Townes and Forts to continue in the same condition they were in before, and that those Garrisons shall not be renewed, nor the Fortifications repaired, without consent of Your Majesty and both Houses of Parliament.

2. That for those Townes and Forts which are within the Jurisdiction of the Cinque-Ports, they shall be delivered up into the hands of such a Noble Person as Your MAIESTY shall appoint to be Warden of the Cinque-Ports, being such a one as they shall confide in.

3. That the Towne of *Portesmouth* shall be reduced to the number of the Garrison as was at the time, when the Lords and Commons undertook the custody thereof; and such other Forts, Castles and Townes as were formerly kept by Garrisons, as have been taken by both Houses of Parliament into their care and custody, since the beginning of these troubles, shall be reduced to such proportion of Garrison as they had in the yeare 1636. And shall be so continued. And that all the said Townes, Forts, and Castles shall be delivered up into the hands of such persons of quality and trust, to be likewise nominated by Your Majesty, as the two Houses of Parliament shall confide in.

4. That the Warden of the Cinque-Ports and all Governors and Commanders of Townes, Castles, and Forts, shall keep the same Townes,

Townes, Caſtles and Forts reſpectively for the ſervice of Your Majeſty, and the ſafety of the Kingdome; and that they ſhall not admit into any of them any forraign Forces, or any other Forces raiſed without Your Majeſties Authority, and conſent of the two Houſes of Parliament; and they ſhall uſe their utmoſt indeavours to ſuppreſſe all Forces whatſoever, raiſed without ſuch authority and conſent; and they ſhall ſeize all Armes and Ammunition provided for any ſuch Forces.

5. They likewiſe humbly propoſe to Your Majeſty, that You would remove the Garriſons out of *New-Caſtle*, and all other Townes, Caſtles, and Forts, where any Garriſons have been placed by Your Majeſty ſince theſe troubles, and that the Fortifications be likewiſe ſleighted, and the Townes and Forts left in ſuch State and condition as they were in the yeare 1636.

6. That all other Townes, Forts, and Caſtles, where there have been formerly Garriſons before theſe troubles, may be committed to the charge of ſuch perſons to be nominated by Your Majeſty, as both Houſes of Parliament ſhall confide in, and under ſuch Inſtructions as are formerly mentioned.

7. And that thoſe new Garriſons ſhall not be renewed, nor their Fortifications repaired without conſent of Your Majeſty, and both Houſes of Parliament.

Northumberland.

VVill. Pierrepont. *VVill. Armyne.*
Iohn. Holland. *B. VVhitelocke.*

March. 28. 1643.

HIS *Majeſty* is content that all the Garriſons in any Townes and Forts in the hands of any Perſons imployed by the two Houſes of *Parliament*, wherein there were no Garriſons before theſe troubles, be removed, and all Fortifications, made ſince that time, may be ſleighted, and thoſe Townes

Townes & Forts shall, for the future, continue in the same condition they were in before.

1. For the Cinque-Ports, they are already in the Custody of a Noble Person, against whom His *Majesty* knowes no just exceptions, and who hath such a Legall Interest therein, that His *Majesty* cannot with Iustice remove Him from it, untill some sufficient Cause be made appeare to him; but is willing if he shall at any time be found guilty of any thing that may make him unworthy of that Trust, that he may be proceeded against according to the Rules of Iustice.

2. The Towne of *Portesmouth*, and all other Forts, Castles and Townes, as were formerly kept by Garrisons, shall be reduced to their antient proportion, and the Government of them put into the hands of such Persons against whom no just exceptions can be made, all of them being before these troubles by Letters Patents granted to severall Persons, against any of whom His Majesty knowes not any Exceptions, and who shall be removed if just cause shall be given for the same.

3. The Warden of the Cinque-Ports, and all Governors and Commanders of Townes, Castles, and Forts, shall keep the same Townes, Castles, and Forts, as by the Law they ought to doe, for His Majesties service, and the safety of the Kingdome, and they shall not admit into any of them any forraign Forces, or other Forces raised or brought in contrary to the Law, but shall use their utmost endeavour to suppresse all such Forces, and shall seize all Armes and Ammunition, which by the Lawes and Statutes of the Kingdome they ought to seize.

4. The Garrisons of *New-Castle*, and all other Townes, Castles, and Forts, in which Garrisons have been placed by His Majesty since these troubles, shall be removed, and all

the Fortifications ſhall be ſleighted, and the Townes and Forts left in ſuch ſtate and condition as they were in the yeare, 1636.

All other Townes, Forts, and Caſtles, where there have been formerly Garriſons before theſe troubles, ſhall be committed to the charge of ſuch Perſons, and under ſuch cautions and limitations as His Majeſty hath before expreſt.

And no new Garriſons ſhall be renewed, nor their Fortifications repaired, otherwiſe then as by the Lawes and Statutes of the Kingdom, they may or ought to be.

FALKLAND.

March. 29. 1643.

CConcerning the appointing of the Warden of the Cinque-Ports, and Governors of Your Majeſties Townes, Caſtles, and Forts, we humbly deſire to know if Your Majeſties Reply doth intend, that both Houſes of *Parliament* may expreſſe their confidence of the perſons to whoſe truſt thoſe places are to be committed, for that we are directed by our Inſtructions, that if Your Majeſty be pleaſed to aſſent thereunto, that You would nominate Perſons of Quality to receive the charge of them. That we may forthwith certifie both Houſes of *Parliament*, that thereupon they may expreſſe their confidence in thoſe perſons, or humbly beſeech Your *Maieſty* to name others; none of which perſons to be removed, during three yeares next enſuing, without juſt cauſe to be approved by both Houſes of *Parliament*, and if any be ſo removed, or ſhall dye within the ſaid ſpace, the perſons to be put in the ſame offices ſhall be ſuch as both Houſes ſhall confide in.

Wee humbly deſire to know if Your *Maieſty* intends the Garriſon of *Portſmouth*, to be of ſuch a proportion, as it was about the yeare 1641. about which time a new ſupply was added to the former Garriſon to ſtrengthen it, which both Houſes of *Parliament* think neceſſary to continue.

We

We humbly desire Your Majesty would be pleased to give a more full answer to this clause, that they should not admit into them any Forreigne or other Forces, *Raised without Your Majesties authority and consent of the two Houses of Parliament*, and that they shall use their utmost endeavours to suppresse all Forces whatsoever, *Raised without such Authority and Consent*, and that those Garrisons should not be renewed, or their Fortifications repaired without consent of Your Majesty and both Houses of Parliament.

Northumberland.

I. Holland. *W. Armyne.*
B. Whitelocke. *W. Pierrepont.*

April. 5. 1643.

His Majesty doth not intend that both Houses of Parliament shall expresse their Confidence of the Persons to whose trust the *Cinque-ports*, or other His Majesties Townes, Castles and Forts now are or shall be committed, but only that they shall have liberty upon any just Exceptions to proceed against any such Persons, according to Law; His Majesty being resolved not to Protect them against the publique Iustice. And well knowing that when any of those places shall be voyd, the Nomination and free Election is a Right belonging to, and inherent in His Majesty. And having been enjoyed by all His Royall Progenitors, His Majesty will not believe that His well-affected Subjects will desire to limit Him in that Right.

His Majesty intends the Garrison of *Portsmouth* to be of such a Proportion as it was in the yeare, 1641. Except He finds good cause to enlarge or diminish that Proportion.

His Majesty cannot give a more full Answer to that Clause concerning the Admission of Forces into any of His

Forts, Castles and Townes, then He hath already given, His Majesty having therein made the Lawes and Statutes of the Kingdom the Rule of what is, or what is not to be done, Which will be alwaies the most impartiall Iudge between Him and His People.

FALKLAND.

April. 10. 1643.

BY Instructions yesterday received from both Houses of Parliament, we are commanded humbly to desire another answer from Your Majesty concerning the Cinque-ports, Townes, Forts and Castles, Your Majesties former answers concerning them being, in the most materiall poynts, expresse denialls, as both Houses of Parliament understand them.

Northumberland. *W. Pierrepont.*
I. Holland. *W. Armyne.* *B. Whitelocke.*

April. 14. 1643.

HIs Majesty will not at this time Remember the many Acts of Grace and Favour He hath passed this Parliament for the good of His People; But He must say, He hath not denied any one thing proposed to Him by both Houses, which in Iustice could be required of Him, or in reason expected; and He hath been and is still so unwilling to give a deniall to both His Houses, that as they shall be sure to receive none to any Proposition they shall make of Right, so in matters of Grace and favour, Hee shall be willing to receive any Information and Reason, which at any time may

invite

invite Him to Consent, and therefore will gladly receive any reason from the Committee, or both Houses, which may induce His Majesty to give another Answer, then what He hath already given in the poynt of the Cinque-Ports, Forts and Castles; but till such be given, He cannot consent to dispossesse any of His Servants of what they are legally possest, without a Iust Cause Expresst, or to quit His own Right of sole disposing of their commands, no other causes yet appearing to Him, then that the places they command have been taken from Him.

FALKLAND.

April 14. 1643.

YOur Majesty, in one of Your papers this day delivered unto us, mentions that You would gladly receive any reason from both Houses, or their Committee, which may induce Your Majesty to give another answer then what You have already given in the poynt of the Cinque-ports, Forts, Castles, and Magazines.

We did according to our Instructions, Humbly desire Your Majesty that the Cinque-ports, Forts and Castles might be put into the hands of such Noble Persons, and Persons of Quality and Trust, to be nominated by Your Majesty, as the two Houses of Parliament should confide in, and to be kept for Your Majesties service, and the safety of the Kingdom, that no forraigne Forces, or other Forces, raised without Your Majesties authority, and consent of the two Houses of Parliament, should be admitted into any of them, and the Commanders to use their utmost endeavours to suppresse all Forces raised without such authority and consent, and to seize all Armes and Ammunition provided for any such Forces.

Vnto which we humbly desire Your Majesties gratious assent, & to our other desires concerning Your Majesties first Proposition, & the first Propositio of both Houses of Parliament, for that we humbly conceive Your consent thereunto will be the best meanes for such a Peace to be made, as will be safe firme & lasting, the which is not to be hoped

for, except there be a cure for Feares and Iealouſies, for which an apparent remedy is to disband all Forces, and the ſame to be ſo mutually done, as neither part to have any force remaining, of which the other may be Iealous or in feare, but if for other cauſes, not concerned in theſe unhappy differences, Forces are to be retained, as in the Cinque-ports, and in ſome Forts, Townes, and Caſtles for the defence of the whole Kingdom againſt Forraigne Enemies, that then the ſame may remaine in the hands of ſuch Perſons, with ſuch Powers, as both parts might believe themſelves ſecure; for if the ſame places were conſidered in relation only to theſe unnaturall diſtempers, and to the ſetling thereof, the Forces in them were likewiſe to be disbanded.

Northumberland.

I. Holland. *W. Armyne.*
W. Pierrepont. *B. Whitelocke.*

April. 15. 1643.

AS His Majeſty was and is very deſirous to receive any Reaſon from both Houſes, or their Committee, which might induce His Majeſty to give other Anſwers, if what He hath or ſhall give doe not ſatisfy, ſo He rather expected thoſe reaſons ſhould have had their foundation in the Law of the Land, and have ſhewed Him that by Law He had not the Right He pretended, or that by that, or by ſome fundamentall Law, they had a Right ſuperior to His in what was now in Queſtion, Or have ſhewed Him ſome Legall Reaſon why the Perſons truſted by Him were uncapable of that Truſt, then only have inſiſted upon Feares and Iealouſies, of which as Hee knowes not the ground, ſo He is ignorant of the Cure. But this His Majeſty knowes, that if readineſſe to acknowledge, retract and provide againſt for the future any thing of error that had hapned againſt Law, and having actually paſs'd more

more important Bills, and parted with more of His known Rights for the ſatisfaction of His Subjects, then not only any one but all His Predeceſſors, would have been thought a ſufficient Remedy for Fears and Iealouſies, the Kingdom might ſtill have enjoyed a ſafe, firme and laſting Peace, and thoſe would not firſt have been made a Reaſon to ſeaze upon His Rights, and then after have been made an Argument to perſwade Him to part with them. And His Majeſty wonders the Committee ſhould not ſee, that this Argument might extend to the depriving Him of, or at leaſt ſharing with Him in, all His juſt Rigall Power (ſince Power as well as Forces may be the object of Feares and Iealouſies, and there will be alwaies a Power left to hurt, whileſt there is any left to protect and defend;) And that if thoſe Rights which He received from His Predeceſſors were really ſo formidable, That would have been more fear'd before, which is now feard ſo much, and His Forts and Caſtles would either not have been attempted, or at leaſt have enabled Him to defend and keep them, and have kept this from being a Queſtion now between them. Which ſince they could not doe, His Majeſty (if He had as much inclination, as He hath more Right, to Feares and Iealouſies) might have more reaſon to inſiſt upon ſome Addition of Power, as a Security to enable Him to keep His Forts, when He hath them, then they to make any Difficulty to reſtore them to Him in the ſame condition they were before. But as His Majeſty contents Himſelfe with, ſo, He takes God to witneſſe, His greateſt deſire is alwaies to obſerve and maintain the Law of the Land, and expects the ſame from His Subjects, and believes the mutuall obſervance of that Rule, and neither of them to feare what the Law fears not, to be on both parts a better Cure for that dangerous Diſeaſe of

Fears

Fears and Iealouſies, and a better means to eſtabliſh a happy and a perpetuall Peace, then for His Majeſty to deveſt Himſelfe of thoſe Truſts which the Law of the Land hath ſetled in the Crowne alone, to preſerve the Power and Dignity of the Prince, for the better Protection of the Subject, and of the Law, and to avoyd thoſe dangerous Diſtractions, which the intereſt of any Sharers with Him would have infallibly produced.

FALKLAND.

THE PAPERS CONCERNING the Shippes.

March 27. 1643.

To that part of Your Majeſties firſt Propoſition, which concernes Your Ships, we humbly give this Anſwer.

THat the Ships ſhall be delivered into the charge of ſuch a Noble perſon as Your Majeſty ſhall nominate to be Lord High Admirall of England, and the two Houſes of Parliament confide in, who ſhall receive the ſame Office by Letters Patents, *quam diu ſe bene geſſerit*, and ſhall have power to nominate and appoynt all ſubordinate Commanders and Officers, and have all other powers appertaining to the Office of High-Admirall, which Ships he ſhall imploy for the defence of the Kingdom againſt all forraine forces whatſoever, and for the ſafeguard of Merchants, ſecureing of Trade, and the guarding of *Ireland*, and the intercepting of all ſupplies to be carried to the Rebells, and ſhall uſe his utmoſt endeavour to ſuppreſſe all forces which ſhall be raiſed by any Perſon, without Your Majeſties

Majesties authority, and consent of the Lords and Commons in Parliament, and shall seize all Armes and Ammunition provided for supply of any such Forces.

Northumberland.

W. Pierrepont. *I. Holland.*
W. Armyne. *B. Whitelocke.*

March. 28. 1643.

His Majesty expects that His Own Ships be forthwith delivered to Him, as by the Law they ought to be. And when He shall please to nominate a Lord High-Admirall of England, it shall be such a Noble Person against whom no just exception can be made, and if any shall be, His Majesty will alwaies leave him to his due tryall and examination, and shall grant His Office to him by such Letters Patents as have been used; In the mean time His Majesty will governe the said Admiralty by Commission as in all times hath been accustomed. And whatever Ships shall be set forth by His Majesty, or His Authority, shall be employed for the defence of the Kingdom against all Forraigne Forces whatsoever, for the safeguard of Merchants, securing of Trade, guarding of *Ireland*, and the intercepting of all supplies to be carried to the Rebells, and shall use their utmost endeavours to suppresse all Forces which shall be raised by any Person whatsoever, against the Lawes and Statutes of the Kingdome, and to seize all Armes and Ammunition provided for the supply of any such Forces.

FALKLAND.

March 29. 1643.

WEE humbly desire Your Majesty would be pleased to give a more full answer to the clause, for the Ships to be delivered into the charge of such a Noble Person, as Your Majesty shall nominate to be Lord High-Admirall of England, and the two Houses of Parliament confide in, who shall receive the same Office by Letters Patents *Quam diu se bene gesserit.*

And to that clause, to suppresse all forces which shall be raised by any person without Your Majesties authority, and consent of the Lords and Commons in Parliament.

Whereunto if Your Majesty shall please to give Your assent, we conceive we are then directed by our Instructions, humbly to desire Your Majesty to nominate such a noble person to be Lord High Admirall of England, that we may forthwith certify both Houses of Parliament, that thereupon they may expresse their confidence in that Person, or humbly beseech Your Majesty to name another, and that in case such Noble Person, who shall be appoynted to be Lord High-Admirall of England, shall be removed, or shall dye within the space of three Years next ensuing, that the Person to be put in the same Office shall be such, as both Houses shall confide in.

Northumberland.

W. Pierrepont. *I. Holland.*

W. Armyne. *B. Whitelocke.*

Aprill 5. 1643.

HIS Majesty conceives His former Answer of the 28. of *March*, concerning His Ships, to be so full, that He can adde nothing thereunto in any part of it.

His Majesty conceiving it all the Iustice in the World for Him to insist, that what is by Law His own, and

and hath been contrary to Law taken from Him, be fully restored unto Him, without conditioning to impose any new Limitations upon His Majesty or his Ministers, which were not formerly required from them by Law, and thinking it most unreasonable to be prest to diminish His owne Iust Rights Himselfe, because others have violated and usurped them.

FALKLAND.

April. 10. 1643.

BY Instructions yesterday received from both Houses of Parliament, we are commanded humbly to insist upon the desires of both Houses expressed in our former papers concerning the Ships. And both Houses of Parliament doe observe in your Majesties Answer, not only a denyall to all their desires, but likewise a censure upon their proceedings.

Northumberland.
Will. Pierrepont. *Will. Armyne.*
Joh. Holland. *B. Whitlocke.*

April 11. 1643.

HIS Majesty for the present forbeares any farther Answer touching His Ships, desiring first to receive the Answer of both Houses, to His Message of the twelfth of this Moneth: But His Majesty will however, before their departure hence, give them a further Answer.

FALKLAND.

April. 15. 1643.

HIS Majesty gave so cleare a Reason to Iustifie what He insisted upon in the point of the Ships, that He cannot but wonder to see the same againe prest to Him, and yet both the Reason He gave left unanswered, and no other Reason oppos'd to weigh against it. His Majesties end in this, was not to lay any censure upon their proceedings, but it being necessary to the matter in question, for His Majesty to say what had been done, and the matter of fact being such as it seemes could not be repeated, but it must appeare to be censured, His Majesty did not thinke himselfe bound to be so tender of seeming to censure their proceedings, as by waving His owne true reasonable Iustifications to leave His own naked and expos'd to a generall censure. And His Majesty hopes that since they esteem his saying, that they have taken His Ships from Him contrary to Law, to be a Censure, they will either produce that Law by which they took them, or free themselves from so just and unconfutable a Censure, by a speedy and unlimited restoration. Upon which demand His Majesties Care of His Antient and undoubted Rights doth oblige Him to insist. And when His Majesty shall thinke fit to make an Admirall, as neer as He can, he shall be such an one against whom no just exception can be made, and if any shall be offered, He will readily leave him to the Tryall of the Law.

FALKLAND.

THE

THE PAPERS CONCERNING an Oath for Officers.

March. 29. 1643.

WEE are humbly to desire your Majesty, that all Generalls and Commanders in any of the Armies on either side, as likewise the Lord Admirall of *England*, the Lord Warden of the Cinque-Ports, all Commanders of any Ships, & Commanders of any Town, Castle, or Fort, may take an oath to observe the Articles formerly mentioned, and to use their utmost power to preserve the true reformed Protestant Religion, and the Peace of the Kingdom, against all Forraign Forces, and all other Forces raised without Your Majesties authority, and consent of the two Howses of Parliament.

Northumberland.

W. Pierrepont. *J. Holland.*
W. Armyne. *B. Whitelocke.*

April. 5. 1643.

HIS Majesty conceives the Oathes, which all these Officers are already by Law obliged to take, to be very fully sufficient; But if any thing shall be made appear unto Him necessary to be added thereunto, when there shall be a full and Peaceable Convention in Parliament, His Majesty will readily consent to an Act for such an Addition.

FALKLAND.

April. 10. 1643.

BY Instructions yesterday received from both Houses of Parliament, We are commanded humbly to inform Your Majesty, That both Houses of Parliament conceive your ordinary Oathes of Your Officers, mentioned in Your Answer concerning the same, are not sufficient to secure them against the extraordinary Causes of Iealousie, which have been given them in these troublesome times. And that Your Majesties Answer layes some Taxe upon the Parliament, as if defective, and thereby uncapable of making such a provisionall Law for an Oath. Therefore we are humbly to insist upon our former desires for such an Oath, as is mentioned in those papers, which we have formerly presented to your Majestie concerning this matter.

Northumberland.

P. Holland. *W. Pierrepont.*
W. Armyne. *B. Whitlocke.*

April. 14. 1643.

HIS Majesty did not refuse, by His former Answer, to consent to any such Oath as shall be thought necessary, though He did, and doth still conceive the Oathes already setled by law to be sufficient; neither did he ever suppose the Parliament incapable of making a provisionall Law for such an Oath; but as He would be willing to apply any proper Remedy to the Extraordinary Causes of Iealousies, if He could see that there were such causes, so he will be alwaies most exact in observing the Articles agreed on, in preserving the true Reformed Protestant Religion, and the Peace of the Kingdom against Forraigne Forces, and other Forces raised or employed against Law. And when both Houses shall prepare and present

ſent ſuch an Oath, as they ſhall make appear to His Majeſty to be neceſſary to thoſe Ends, his Majeſty will readily conſent to it.

FALKLAND.

THE PAPERS CONCERNING Disbanding the Armies.

March. 28. 1643.

His Majeſties Anſwer to the firſt Propoſition of both His Houſes of Parliament.

HIS Majeſty is as ready and willing, that all Armies be disbanded as any Perſon whatſoever, and conceives the beſt way to it, to be a happy and ſpeedy concluſion of the preſent Treaty, which (if both Houſes will contribute as much to it, as His Majeſty ſhall doe) will be ſuddenly effected. And that this Treaty may the ſooner produce that effect, His Majeſty deſires that the time given to the Committee of both Houſes to Treat may be enlarged.

And as His Majeſty deſires nothing more then to be with His two Houſes, ſo He will repaire thither as ſoon as He can poſſibly doe it with His Honour & Safety.

FALKLAND.

March.

March. 29. 1643.

Concerning Your Majesties *Answer to the Proposition of both Houses for disbanding of the Armies.*

WEE humbly desire to know, if by the words, *By a happy and speedy Conclusion* of the present Treaty, Your Majesty doe intend a conclusion of the Treaty on your Majesties first Proposition, and their Proposition for disbanding the Armies, or a conclusion of the Treaty in all the Propositions of both parts.

Wee have given speedy notice to both Houses of *Parliament* of your Majesties desires, that the time given to the Committee of both Houses to treat may be enlarged.

To the last Clause we have no Instructions.

Northumberland.

Will. Pierrepont. *VVill. Armyne.*

Ioh. Holland. *B. VVhitelocke.*

April. 4. 1643.

VVEE humbly acquaint your Majesty, that we received this morning the resolution of both Houses of Parliament, whereby further time is given to us to treat upon the two first Propositions, *viz.* The first Proposition of your Majesties, and the first Proposition of both Houses. And that the time prescribed for the Treaty upon the two first Propositions, shall be untill friday night.

Northumberland.

Will. Pierrepont. *Will. Armine.*

Ioh. Holland. *B. Whitelocke.*

April.

April. 5. 1643.

HIS Majesty intended by the words, *By a happy and speedy Conclusion of the present Treaty*, such a Conclusion of or in the Treaty, as there might be a cleer evidence to Himselfe and his good Subjects of a future Peace, and no ground left for the continuance or growth of these bloody dissentions; which, He doubts not, may be obtained, if both Houses shall consent, that the Treaty may proceed without further interruption or limitation of dayes.

FALKLAND.

March 29. 1643.

WEE are directed by our Instructions humbly to desire your Majesties speedy and positive answer concerning the disbanding of the Armies, to which if your Majesty be pleased to assent, we are then to beseech your Majesty in the name of both Houses, that a neer day may be agreed upon for the disbanding of all the Forces in the remote parts of *Yorkeshire*, and the other Northern Counties, as also in *Lancashire*, *Cheshire*, and in the Dominion of *Wales*, and in *Cornewall*, and *Devonshire*. And they being fully disbanded, another day may be agreed on for the disbanding of all Forces in *Lincolnshire*, *Nottinghamshire*, *Leicestershire*, and all other places, except at *Oxford* and the Quarters thereunto belonging, and *Windsor* and the Quarters thereunto belonging. And that last of all, a speedy day may be appointed for the disbanding of those two Armies at *Oxford* and *Windsor*, and all the Forces Members of either of them.

That some Officers of both Armies may speedily meet to agree of the manner of the disbanding, and that fit persons may be appointed by your Majestie, and both Houses of Parliament, who may

repair to the ſeverall Armies, and ſee the disbanding put in ſpeedy execution accordingly.

Northumberland.
I. Holland. *W. Armyne.* *W. Pierrepont.* *B. Whitelocke.*

April. 5. 1643.

WHen the time for disbanding the Armies ſhall be agreed upon, His Majeſty well approves that ſome Officers of both Armies may ſpeedily meet to agree of the manner of disbanding, and that fit Perſons may be appointed by His Majeſty, and both Houſes of Parliament, who may repair to the ſeverall Armies, and ſee the disbanding ſpeedily put in execution accordingly.

FALKLAND.

April. 6. 1643.

VVE humbly deſire to know, if by the words (*By a happy and ſpeedy concluſion of the preſent treaty*) Your Majeſty intends a concluſion of the preſent treaty on Your Maieſties firſt Propoſition, and the Propoſition of both Houſes for disbanding of the Armies, or a concluſion of the Treaty on all the Propoſitions of both parts.

And what your Maieſty intends to be a cleare evidence to your ſelfe, and your good Subiects, of a future Peace, and no ground left for the continuance or growth of theſe bloody diſſentions.

Northumberland.
VVill. Pierrepont. *VVill. Armyne.*
Ioh. Holland. *B. VVhitelocke.*

April.

April. 6. 1643.

HIS Majesty desires to know from the Committee of both Houses, whether they acquiesce with His Majesties Replies to their Answers concerning His first Proposition, which yesterday they received from Him, and to which they have yet made no returne.

His Majesty likewise desires to know, whether they have yet received power and Instructions to Treat with His Majesty concerning His returne to His two Houses of Parliament, which is a part of the first Proposition of both Houses.

FALKLAND.

April. 6. 1643.

WEE shall transmit Your Majesties Replies to our Answers, concerning Your first Proposition, to both Houses of Parliament, without farther replye.

We likewise humbly answer, that we have not received any power or Instructions to treat with Your Majesty concerning Your returne to Your two Houses of Parliament; but We assure our selves they will give Your Majesty satisfaction therein.

Northumberland.
Will. Armyne.
B. Whitelocke.

John Holland.
Will. Peirrepont.

April 7. 1643.

HIs Majesty conceives His Answers already given (for he hath given two) to be very cleer and significant. And if the conclusion of the present Treaty on His Majesties first Proposition, and the Proposition of both Houses, shall be so fully and perfectly made, that the Law of the Land may have a full, free, and uninterrupted Course, for the defence and preservation of the Rights both of His Majesty, both Houses, and His good Subjects, there will be thence a cleer evidence to His Majesty and His good Subjects of a future Peace, and no ground left for the continuance and Growth of these bloody Dissentions, and it will be such a conclusion as His Majesty intended.

His Majesty never intending that both Armies should remaine undisbanded untill all the Propositions of both sides were fully concluded. But His Majesty is very sory that in that poynt of the first Proposition of both Houses, which hath seemed to be so much wished, and which may be so concluded as alone much to conduce to the evidence desired, *viz.* His Return to both Houses, to which His Majesty in His Answer hath expressed Himself to be most ready, whensoever He may doe it with Honour and safety) they have yet no manner of Power nor instructions so much as to treat with His Majesty.

FALKLAND.

April. 7. 1643.

WEE have not transmitted Your Majesties answer to the Proposition of Disbanding, wherein Your Majesty mentions Your selfe to be most ready to returne to both Your Houses of Parliament, whensoever You may doe it with Honour and safety, for that we humbly conceive, we were to expect Your Majesties answer to that Proposition this day received, before we could give a due accompt thereof to both Houses of Parliament, the which wee will presently send away without farther reply.

Northumberland. *W. Pierrepont.*
I. Holland. *W. Armyne.* *B. Whitelocke.*

April. 8. 1643.

BY Instructions this day received from both Houses of Parliament, we humbly conceive that we are to acquaint Your Majesty, that they have taken into consideration Your Majesties answer to their reasons concerning the Cessation, wherein there are diverse expressions which will occasion particular replies, which at this time they desire to decline, their wishes and endeavours being earnestly bent upon the obtaining a speedy Peace, for which cause they doe not think good to consume any more of the time allowed for the Treaty, in any farther debates upon the Cessation, concerning which they find Your Majesties expressions so doubtfull, that it cannot be suddenly or easily resolved, and the remainder of the time for the whole Treaty, being but seaven daies, if the Cessation were presently agreed, it would not yeeld any considerable advantage to the Kingdom.

Wherefore we are required to desire Your Majesty to give a speedy and positive answer to the first Proposition concerning the Disbanding, that so Your Subjects may not only have a shadow of Peace in a short time of Cessation, but the substance of it in such manner as may be a perpetuall blessing to them, by freeing the King-

dom from those miserable effects of warre, the effusion of English blood, and desolation of many parts of the Land.

I. Holland. *Northumberland.*
W. Pierrepont. *W. Armyne.*
B. Whitelocke.

HIS MAIESTIES

Gratious Message to both Houses, in *Answer to the foregoing Paper.*

IF the Committee, according to His Majesties Desire, had had but Power to agree in the wording of Expressions in the Articles of Cessation, His Majesties (which are as clear as the matter would beare, and as He could make them) had not appeared so doubtfull to any, but that the Cessation might have been suddenly and speedily resolved, and that long before this time. And if the Expressions of both Houses in their Reasons had not necessitated His Majesty in His own Defence, to give such Answers as could not upon those poynts deliver Truth without some shew of sharpnesse, no expression of that kind in His Majesties Answer had given any pretence for the Rejection of, or refusing so much as to Treat upon the Cessation; Which (though it were at present for no long time, yet) was from the day named by themselves the 25. of *March*. Whereas His Majesty first mov'd for a Cessation and Treaty without any Limitation at all in the time of either; and His Majesty was most ready to have enlarged the time (so that in the

the mean while the poynt of Quarters might be ſo ſetled, as that His Armies might ſubſiſt,) and which might have been (if they had pleas'd) a very good and promiſing earneſt and Forerunner of that great Bleſſing of Peace; for the obtaining of which the wiſhes and endeavours of all good men being earneſtly bent, a farther debate in order to ſo great a benefit did not deſerve to be ſtiled a Conſumption of time. And His Majeſty cannot but conceive Himſelfe to be in a ſtrange Condition, if the doubtfulneſſe of Expreſſions, (which muſt alwayes be, whileſt the Treaty is at ſuch a diſtance, and power is denyed to thoſe upon the place to help to clear and explaine) or His neceſſary Replying to Charges laid upon Him, (that He might not ſeem to acknowledge what was ſo charged) or the Limitation of the time of ſeven dayes for the Treaty (which was not limited by his Majeſty, who ever deſired to have avoyded that and other Limitations, which have given great interruptions to it) ſhould be as well believed to be the Grounds, as they are made the Arguments of the Rejection of that, which (next to Peace it ſelfe) His Majeſty above all things moſt deſires to ſee agreed and ſetled, and which His Majeſty hopes (if it may be yet agreed on) will give His People ſuch a Taſt of ſuch a Bleſſing, that after a ſhort time of conſideration and comparing of their ſeverall Conditions in Warre and Peace, and what ſhould move them to ſuffer ſo much by a Change, they will not think thoſe their Friends that ſhall force them to it, or be themſelves ready to contribute to the renewing of their former miſeries, without ſome greater evidence of Neceſſity then can appeare to them, when they ſhall have ſeen (as they ſhall ſee, if this Treaty be ſuffered to proceed) that His Majeſty neither askes nor denies any thing, but what not only according to

Law

Law He may, but what in Honour and Care of His People He is obliged to ask or deny. And this alone (which a very short Ceſſation would produce) His Majeſty eſteemes a very conſiderable Advantage to the Kingdom; and therefore cannot but preſſe againe and againe, that whatever is thought doubtfull in the Expreſſions of the Articles, may (as in an Houre it may well be done) be expounded, and whatſoever is excepted at may be debated and concluded, and that Power and Inſtructions may be given to the Committee to that end, that the miſerable effects of Warre, the effuſion of Engliſh blood, and deſolation of England (untill they can be totally taken away) may by this means be ſtayed and interrupted.

His Majeſty ſuppoſes, that when the Committee was laſt required to deſire His Majeſty to give a ſpeedy and poſitive Anſwer to the firſt Propoſition concerning disbanding, His anſwers in that poynt (to which no reply hath been made, and which He hopes by this time have given ſatisfaction) were not tranſmitted and received, but wonders the Houſes ſhould preſſe His Majeſty for a ſpeedy and poſitive Anſwer to the firſt part of their firſt Propoſition concerning disbanding, when to the ſecond part of the very ſame Propoſition, concerning His Returne to both Houſes of Parliament, they had not given any Power or inſtructions to the Committee, ſo much as to Treat with His Majeſty; And when His Majeſty (if His deſire of Peace and of ſpeeding the Treaty in order to that had not been prevalent with Him) might with all manner of Iuſtice have delayed to begin to Treat upon one part, untill they had been inabled to Treat upon the other; In which poynt, and for want of which Power from them, the only ſtop now remaines, His Majeſties Anſwers to both parts of their firſt

Propoſition, being given in, tranſmitted, and yet remaining unanſwered. To which, untill the Houſes ſhall be at leaſure to make anſwer, that as little delay in this Treaty, as is poſſible, may be caus'd by it, His Majeſty deſires likewiſe, That the Committee may be enabled to Treat upon the following Propoſitions in their ſeverall orders.

April. 10. 1643.

BY Inſtructions yeſterday received from both Houſes of Parliament, we are commanded humbly to inſiſt upon that part of the firſt Propoſition of both Houſes of Parliament, concerning the diſbanding, according to the papers we have formerly preſented to your Majeſty thereupon. And we are humbly to acquaint your Majeſty, that both Houſes of Parliament doe conceive your Majeſties Anſwer concerning the diſbanding to be in effect a denyall, unleſſe they diſſent all thoſe Cautions and limitations, which they have deſired in their anſwer to your Majeſties firſt Propoſition.

Northumberland.

VV. Peirrepoint. *VV. Armyne.*
Ioh. Holland. *B. VVhitelocke.*

April. 10. 1643.

BY Inſtructions from both Houſes of *Parliament* yeſterday received, we are commanded to declare unto your *Maieſty* the deſire of both Houſes for your *Maieſties* comming to your *Parliament*, which they have often expreſſed with full offers of ſecurity to Your Royall Perſon, agreeable to their duty and allegiance, and they know no cauſe why your *Maieſty* may not returne thither with Honour and ſafety, but they did not inſert it into our Inſtructions, becauſe they conceived the diſbanding of the Armies would have facilitated your *Maieſties* reſolution therein, which they likewiſe conceived was agreeable to your *Maieſties* ſenſe, who in declaring your

conſent

conſent to the order of the Treaty, did only mention that part of the firſt Propoſition which concerned the disbanding, and did omit that which concerned your *Maieſties* comming to both Houſes of *Parliament*.

Northumberland.

VV. Pierrepont. *VV. Armyne.*
Ioh. Holland. *B. VVhitelocke.*

April. 14. 1643.

HIS Majeſty had great reaſon to expect, that as He anſwered to every part of the firſt Propoſition of both Houſes, ſo the Committee ſhould likewiſe have had power and Inſtructions to Treat with His Majeſty concerning both parts of the ſame; nor had the Houſes any Reaſon to ſuppoſe this courſe agreeable to His Majeſties ſenſe, for His Majeſty in declaring his Conſent to the order of the Treaty, indeed mentioned their firſt Propoſition by the ſtyle of the firſt Propoſition which concerned disbanding, but did not ſtyle it that part of the firſt Propoſition which concerned diſbanding, as if He had meant to have excluded any part of that Propoſition from being treated on, He would & ought to have done, but though his Majeſties Anſwers in the point of disbanding and returne to His Parliament were as particular and as ſatisfactory as His Majeſty had cauſe to make, or could well give, till this latter part were conſented to be Treated upon, yet out of His great deſire of Peace, and of complying with both Houſes, His Majeſty hath made a full and particular anſwer and offer to both Houſes, concerning aſwell the firſt part of their firſt Article, upon which He hath treated with the Committee, as that upon which they have

yet

yet no power to treat, though His Majesty hath prest that such power might be given to them.

FALKLAND.

April. 14. 1643.

WEE received Instructions from both Houses of Parliament the ninth of this present *April*, and in pursuance thereof, we humbly presented a paper to Your Majesty upon the tenth of this instant, wherein those Instructions were expressed, and the desire of both Houses concerning your Majesties returne to Your Parliament.

Northumberland.

VV. Peirrepont. *VV. Armyne.*
Ioh. Holland. *B. VVhitelocke.*

April. 15. 1643.

HIS Majesty doth acknowledge to have received a Paper from the Committee upon the tenth of *April*, expressing, That they had received Instructions, to declare unto His Majesty the desire of both Houses for His Majesties comming to His Parliament, which they had often expres't with full offers of security to His Royall Person, agreeable to their Duty and Allegiance; and that they knew no cause why His Majesty might not returne thither with Honour and Safety. But as the Committee had before acknowledged in a Paper of the sixth of *April*, not to have any power or Instructions to treat with His Majesty

concerning His Returne to His two Houſes of Parliament, and as this Paper mention'd no Inſtructions to treat, but onely to deliver that ſingle Meſſage concerning it, ſo His Majeſty tooke it for granted that if they had received any new power or Inſtructions in that point, they would have ſignified as much to Him, and therefore conceiving it in vaine to diſcourſe, and impoſſible to treat upon that, with thoſe, who had no power to treat with Him, His Majeſty addreſt that Anſwer concerning that point to both Houſes, of which his Majeſty took notice to the Committee in a Paper of this fourteenth of *April*, and which was ſhewed to them before He ſent it. And if both Houſes will upon it but conſent, to give his Majeſty ſuch ſecurity as will appear to all indifferent Perſons to be agreeable to their Duty and Allegiance (thoſe Tumults which drove Him from thence, and what followed thoſe Tumults being a moſt viſible and ſufficient Reaſon why He cannot Returne thither with His Honour and Safety, without more particular offers of Security, then as yet they have ever made Him) all Diſputes about that point betweene them will be ſoon ended, and His Majeſty ſpeedily returne to them, and His whole Kingdome to their former Peace and Happineſſe.

FALKLAND.

HIS MAJESTIES MESSAGE TO BOTH HOUSES, CONCERNING DISBANDING OF both ARMIES,

AND

HIS MAIESTIES RETURNE TO BOTH Houses of PARLIAMENT,

Mentioned in HIS MAJESTIES two last Papers.

OXFORD 12. *April.* 1643.

Printed, by His MAJESTIES Command,
AT OXFORD,
By LEONARD LICHFIELD Printer *to the Vniversity.* 1643.

HIS MAJESTIES MESSAGE

TO BOTH HOUSES,

CONCERNING

DISBANDING OF

both ARMIES,

AND

HIS MAJESTYES

RETURNE TO BOTH

Houses of PARLIAMENT,

Mentioned in His Majesties two last Papers.

OXFORD, 12. April. 1643.

Printed by His Majesties Command,

AT OXFORD,

By LEONARD LICHFIELD Printer to the University. 1643.

A DECLARATION OF THE LORDS and COMMONS OF PARLIAMENT Assembled at OXFORD,

Of their Proceedings touching a Treaty for PEACE, and the Refusall thereof; with the severall Letters and Answers *that passed therein.*

CHARLES R.

OVr expresse Pleasure is, That this Declaration of the Lords and Commons of Parliament assembled at *Oxford*, be read by the Parson, Vicar or Curate, in every Church and Chappell within Our Kingdom of *England* and Dominion of *Wales*.

March. 19. 1643.

Printed by His MAJESTIES Command, at the *desire of the Lords and Commons of Parliament Assembled at* OXFORD,

By LEONARD LICHFIELD, Printer *to the Vniversity*, 1643.

A DECLARATION

of the Lords and Commons of Parliament Assembled at OXFORD, of their Proceedings touching a Treaty for Peace, and the Refusall thereof; with the severall *Letters and Answers that passed therein.*

IF Our most earnest Desires and Endeavours could have prevailed for a Treaty, Our Proceedings therein, without this Declaration, would have manifested to all the World the clearnesse of Our Intentions for the restoring the Peace of this Kingdome: but seeing all the meanes used by Vs for that purpose, have been rendered fruitlesse, We hold Our Selves bound to let Our Countries know, what in discharge of Our duty to God and to them, We on Our Parts have done since Our comming to *Oxford*, to prevent the further effusion of Christian blood and the desolation of this Kingdome.

His Majesty having by His Proclamation, upon occasion of

the Invasion from *Scotland*, and other weighty reasons, Commanded Our attendance at *Oxford* upon the 22d of *January* last, there to advise Him for the preservation of the Religion, Lawes and safety of the Kingdome, and to restore it to it's former Peace and Security. These Motives, with the true sense of Our Countries miseries, quickned Our duty to give ready obedience to those His Royall Commands, hoping (by Gods blessing) to have become happy Instruments for such good ends. And upon Our comming hither, We applied Our Selves with all diligence to advise of such meanes as might most probably settle the Peace of this Kingdome, (the thing most desired by His Majesty and Our Selves;) and because We found many gratious offers of Treaty for Peace by His Majesty, had been rejected by the Lords and Commons remaining at *Westminster*, We deemed it fit to write in Our owne Names, and thereby make triall, whether that might produce any better effect for accomplishing Our desires and Our Countries happinesse. And they having (under paine of death) prohibited the addresse of any Letters or Message to *Westminster*, but by their Generall, and We conceiving Him a Person who (by reason of their trust reposed in Him) had a great influence into, and Power over their proceedings, resolved to recommend it to His Care, and to engage Him in that Pious Work, with Our earnest desire to him to represent it to those that trusted him, (to prevent all exceptions and delay;) and thereupon the 27 of the same *January*, dispatched a Letter away under the hands of the Prince his Highnesse, the Duke of *Yorke*, and of 43 Dukes, Marquesses, Earles, Viscounts, and Barons of the House of Peers, and 118 Members of the House of Commons there present, (many others of Vs by reason of distance of place, sickness, and imployments in His Majesties Service, and for want of timely notice of the Proclamation of Summons not being then come hither:)

which

which Letter We cauſed to be incloſed in a Letter from the Earle of *Forth* the Kings Generall. A true Copy of which Letter from us to the Earle of *Eſſex* hereafter followeth, *viz.*

My Lord,

His Majeſty *having by His Proclamation of the* 22. *of* Decemb. *(upon the occaſion of the Invaſion threatned, and in part begun by ſome of His Subjects of* Scotland*) ſummon'd all the Members of both Houſes of Parliament to attend Him here at* Oxford*: We whoſe names are underwritten are here met and Aſſembled in obedience to thoſe His Majeſties commands. His Majeſty was pleaſed to invite us in the ſaid Proclamation by theſe gratious expreſſions; [That His Subjects ſhould ſee how willing He was to receive advice for the preſervation of the Religion, Lawes and ſafety of the Kingdom, and as farre as in Him lay, to reſtore it to it's former Peace and ſecurity, (His chiefe and only end,) from thoſe whom they had truſted, though He could not receive it, in the place where He appoynted.] This moſt gratious invitation hath not only been made good unto us, but ſeconded and heightned by ſuch unqueſtionable Demonſtrations of the deep and Princely ſenſe which poſſeſſes His Royall heart of the miſeries and calamities of His poor Subjects in this unnaturall Warre, and of his moſt entire and paſſionate affections, to redeem them from that ſad and deplorable condition, by all waies poſſible conſiſtent either with His Honour, or with the future ſafety of the Kingdom, that, as it were impiety to queſtion the ſincerity of them, ſo were it great want of duty and faithfulneſſe in us, (His Majeſty having vouchſafed to Declare, That he did call us to be witneſſes of His actions, and privy to His intentions,) ſhould we not teſtify and witneſſe to all the World, the aſſurance we have of the piety and ſincerity of Both; We being moſt entirely ſatisfied of this truth,*

We cannot but confesse, that, amidst our highest afflictions, in the deep and piercing sense of the present miseries and desolations of our Country, and those farther dangers threatned from Scotland, *We are at length erected to some cheerfull and comfortable thoughts, that possibly wee may yet (by Gods mercy, if his Justice have not determined this Nation for its sinnes, to totall ruine and desolation) hope to be happy Instruments of our Countries redemption, from the miseries of Warre, and restitution to the blessings of Peace. And We being desirous to believe your Lordship (howsoever ingaged) a person likely to be sensibly touched with these considerations, have thought fit to invite you to that part in this blessed work, which is only capable to repaire all our misfortunes, and to boye up the Kingdom from ruine; That is, by conjuring you, by all the obligations that have power upon Honour, Conscience, or publique Piety, that laying to heart, as we do, the inwardly bleeding condition of your Country, and the outward more menacing destruction by a forraigne Nation, upon the very poynt of invading it, you will cooperate with us to its preservation, by truly representing to, and faithfully and industriously promoving with those by whom you are trusted, this following most sincere and most earnest desire of ours; That they joyning with us in a right sense of the past, present, and more threatning calamities of this deplorable Kingdom, some Persons be appoynted on either part, and a place agreed on, to treat of such a Peace, as may yet redeem it from the brink of desolation.*

This addresse we should not have made, but that His Majesties summons by which we are met, most gratiously proclaiming pardon to all without exception, is evidence enough, that his mercy and clemency can transcend all former provocations, and that He hath not only made us witnesses of His Princely Intentions, but honoured us also with the name of being security for them.

God Almighty direct your Lordship, and those to whom you

shall

shall present these our most reall desires, in such a course as may produce that happy Peace and settlement of the present Distractions, which is so heartily desired and prayed for by us, and which may make us

From Oxford the 27. *January*, 1643. Your &c.

We are not ashamed of that earnest, meek, and Christian request We made in that Letter, (though it was cryed through *London* Streets in scorn, as the Petition of the Prince, and Duke of *York*, for Peace) and We thought it would have prevailed to have procured a Treaty for so blessed a thing as Peace, and for such an end as redeeming the Kingdome from desolation (the only desire of that Our Letter:) but instead of a compliance with Vs in this Christian work of Treaty and Accommodation, We received a meer frivolous answer, or rather a paper of scorne, in forme of a Letter, directed to the Earle of *Forth*, wherein was inclosed a Printed paper, called, *A Nationall Covenant of the Kingdomes of England and Scotland*, and two other Papers in writing, one called, *A Declaration of both those Kingdomes*, and the other, *A Declaration of the Kingdome of Scotland*; Pamphlets full of Treason, Sedition, and disloyalty, which being publique and needlesse here to be inserted, the Copy of the Letter hereafter followeth.

My Lord,

I *Received this day a Letter of the nine and Twentieth of this instant from your Lordship, and a Parchment subscribed by the Prince, Duke of* Yorke, *and divers other Lords and Gentlemen; but it neither having addresse to the two Houses of*

Parliament, nor therein there being any acknowledgement of them, I could not communicate it to them. My Lord, the maintenance of the Parliament of England, *and of the Priviledges thereof, is that for which we are all resolved to spend our blood, as being the foundation whereupon all our Lawes and Liberties are built. I send your Lordship herewith, A Nationall Covenant, solemnely entred into by both the Kingdomes of* England *and* Scotland, *and a Declaration passed by them both together, with another Declaration of the Kingdome of* Scotland. *I rest*

Essex-house, *Ian.* 30. 1643.

Your Lordships humble servant, Essex.

Whosoever considers this Letter, will easily find it was fully understood to whom Ours was desired to be communicated, under the expression of *(those by whom their Generall was trusted;)* and although it be pretended, because there was no addresse to the two Houses of Parliament, nor acknowledgement of them, it could not be communicated to them, it is notoriously knowne, he did so farre impart it, that a Committee of theirs advised the answer, and it appeares by the penning, they all concurred in the resolution therein mentioned; whereby it is evident, that this was but an excuse framed to avoyd a Treaty; and what could that Printed Covenant, and two Declarations enclosed signifie, but to let Vs know, that before We come to any Treaty, We must also joyne in that Covenant with them for the absolute extirpation of Church-Government here, (without, nay though against the Kings Consent,) submit the Lives, Liberties, and Estates of Vs, and all those, who according to their Allegiance have assisted His Majesty, to their mercy, and admit and justifie the Invasion from *Scotland*, according to the plaine sense of their Declaration? which all indifferent men will think strange preparatives

tives to a Treaty for Peace, and after such a yeelding and submission, We know not what is left to Treat upon.

These things are too apparent to every ordinary understanding; and yet We were not forward to apprehend the scorne of that Letter, or take it for a deniall of a Treaty, but being still solicitous for that happy Peace, which alone could redeem this Kingdome from ruine, We resolved to try another way; and for avoyding delay, or Cavill about names, or titles or descants upon words, to forbeare writing, & humbly besought His Majesty to send Messengers with Instructions, to desire a Treaty for Peace; who was pleased to name M. *Richard Fanshawe*, and M. *Thomas Offly*, (Gentlemen of cleare repute and integrity;) and to avoyd their danger in repairing to *Westminster*, at Our desire, commanded the Earle of *Forth*, his Generall, to write to theirs for a safe Conduct for those two Messengers, (for such is Our condition at present, that a free-born Subject, sent upon the Kings Message, cannot but with such leave repaire to *London* or *Westminster*, without danger of his Life.) The Letter for the safe Conduct was as followeth.

MY LORD,

I Cannot so willingly write to you in any busines as in that of peace, the indeavour thereof being the principall duty of those who are trusted in places of Our Commands, especially when the Blood that is shed is of persons under the same Allegiance, of the same Country & Religion. His Majesty continuing constant in His pious and fervent desires of a happy end to these bloody distractions, I doe hereby desire your Lordship to send me a safe Conduct to and from Westminster, *for* M. Richard Fanshaw, *and* M. Tho: Offly, *to be sent by His Majesty concerning a Treaty for Peace. I rest,*

Your Lordships humble servant
FORTH.

To this was returned a Letter, directed to the Earle of *Forth*, in these words, *viz.*

My Lord,

You shew your Noblenesse in declaring your willingnesse to write to me in any businesse, as of that of Peace, and I joyne with you in the same opinion, that it ought to be a principall duty of those who are trusted in places of our Command; and therefore whensoever I shall receive any directions to those who have intrusted me, I shall use my best indeavours; and when you shall send for a safe Conduct for those Gentlemen, mentioned in your Letter from His Majesty *to the Houses of Parliament, I shall with all cheerfulnesse shew my willingnesse to further any way that may produce that happinesse, that all honest men pray for, which is a true understanding between His Maiesty and his faithfull and onely Councell, the Parliament.*

Essex-house, 19. February, 1643.

Your Lordships humble servant, Essex.

That this doth neither grant a safe Conduct, or give any direct answer to the Earle of *Forths* request, every ordinary eye may see, (and yet such requests amongst Generalls are rarely denied;) and We may easily thereby discerne how fearefull they at *Westminster* are, least the poor distressed people of this Kingdom, should by the advantage of a Treaty and free debate of the present difference, see how grosly they had been deceived and misled, and so obtaine an end of their miseries: for otherwise who could have beleeved, that when these differences arose & were continued for want of a free Convention in Parliament, and that a maine end of the Treaty was to resolve how We, according to Our duty and the Trust reposed in Vs by Our Countries, might with them freely debate, and advise His Majesty in those things that concerned the maintenance of Our Religion, Parliaments, Priviledges,

the Kings Rights, and the Subjects Liberty, and Property, that this Letter should tell Vs, that the Party We are to Treat withall, is the Kings *onely Councell*, excluding all others, not onely Our selves called by the same authority to Councell as they were, but His Privy Councell also, and Councell at Law; so that We could have no hopes of a Treaty, unlesse We should first agree that they are the Parliament and the Kings onely Councell, whereby they that are parties would become the only Iudges of all things in question; which would be a submission and not a Treaty.

Having received these frivolous delaies, which We might have interpreted absolute denialls of any Treaty of Peace, We yet resolved not to give over Our endeavours for that which so much concerned the good of Our Country, and the welfare of all Professors of the true Protestant Religion, by Our humble and earnest desires to His Majesty, prevailed with Him to write His Royall Letters, and once more desire a Treaty for Peace, (though it had been so often formerly rejected), and to avoyd all colour of Exception, to direct it *to the Lords and Commons of Parliament assembled at Westminster*; which was done and enclosed in a Letter from the Earle of *Forth* to their Generall. A Copy of both which Letters hereafter follow.

My Lord,

I have received your Letter of the 19th of this Moneth, which, according to my duty, I shewed to His Majesty, who observing in it your expressions concerning Peace, (that whensoever you shall receive any directions to those that have entrusted you, you shall use your best endeavours,) is graciously pleased to send this enclosed, which is desired may be delivered according to the directions.

Directed to the Earle of *Essex*, subscribed by the Earle of *Forth*.

C. R.

OVt of Our moſt tender and pious ſenſe of the ſad and bleeding condition of this Our Kingdome, and Our unwearied deſires to apply all remedies, which, by the bleſſing of Almighty God, may recover it from an utter ruine; By the advice of the Lords and Commons of Parliament Aſſembled at Oxford, *We do Propound and Deſire, That a convenient number of fit Perſons, may be appointed and authorized by you to meet with all convenient ſpeed, at ſuch Place as you ſhall nominate, with an equall number of fit Perſons, whom We ſhall appoynt and authorize to Treat of the Wayes and Meanes to ſettle the preſent diſtractions of this Our Kingdome, and to procure a happy Peace. And particularly, how all the Members of both Houſes, may ſecurely meet in a full and free Convention of Parliament, there to Treat, Conſult and agree upon ſuch things, as may conduce to the maintenance and defence of the true Reformed Proteſtant Religion, with due conſideration to all juſt, and reaſonable eaſe of tender Conſciences; to the ſetling and maintaining of Our juſt Rights and Priviledges, of the Rights and Priviledges of* Parliament, *the Lawes of the Land, the Liberty and Property of the Subject; and all other expedients that may conduce to that bleſſed end of a firme and Laſting Peace, both in Church and State, and a perfect underſtanding betwixt Vs and Our People; wherein no endeavours or Concurrency of Ours ſhall be wanting. And God direct your hearts in the wayes of Peace.* Given at Our Court at *Oxford*, the third day of *March*. 1643.

Superſcribed,

To the Lords and Commons of Parliament Aſſembled at *Weſtminſter.*

We now appeale to all the World, what could more have been done by His Majesty, or us, in order to Peace, here being so great a Condescending from a King to Subjects, all indifferent advantages left to them, both for time and place of treatie, and choice of persons to Treat: But what their Intentions to Peace are, will appeare by their Letter encloſed in one from their Generall, to the Earle of *Forth*, both which are as followeth.

MY LORD,

I am commanded by both Houſes of Parliament, to ſend a Trumpetter with the incloſed Letter to His Majeſtie, *which I deſire your Lordſhip, may be moſt humbly preſented to His* Majeſtie. *I reſt,*

Eſſex-houſe, *March* 9th. 1643.

Your Lordſhips humble ſervant,
ESSEX.

May it pleaſe Your MAJESTY,

WEE, the *Lords* and *Commons* Aſſembled in the Parliament of *England*, taking into our Conſideration a Letter ſent from Your MAJESTY, dated the third of *March*, Inſtant, and directed to the *Lords* and *Commons* of Parliament, Aſſembled at *Weſtminſter*, (which by the Contents of a Letter from the Earle of *Forth*, unto the Lord-Generall, the Earle of *Eſſex*, we conceive was intended to our ſelves) Have reſolved with the concurrent adviſe, and conſent of the Commiſſioners of the Kingdom of *Scotland*, to repreſent to Your MAJESTY, in all humility and plaineſſe, as followeth.

That, as we have uſed all meanes for a juſt, and a ſafe Peace; ſo will we never be wanting to do our utmoſt for the procuring thereof: But when we conſider the expreſſions in that Letter of Your MAJESTIES, We have more ſad, and deſpairing thoughts of attaining the ſame,

ſame, then ever; becauſe thereby, thoſe Perſons now Aſſembled at *Oxford*, who contrary to their duty have deſerted Your Parliament, are put into an equall Condition with it; and this preſent Parliament Conveened, according to the known and Fundamentall Lawes of the Kingdome, (the continuance whereof is eſtabliſhed by a Law conſented unto by Your MAIESTY,) is in effect denyed to be a Parliament; The Scope, and Intention of that Letter being to make proviſion how all the Members (as is pretended) of both Houſes, may ſecurely meet in a full, and free Convention of Parliament; whereof no other concluſion can be made, but that this preſent Parliament is not a full nor free Convention; And that to make it a full, and free Convention of Parliament, the preſence of thoſe is Neceſſary; who, notwithſtanding that they have deſerted that great *Truſt*, and do Levy War againſt the Parliament, are pretended to be Members of the two Houſes of Parliament.

And hereupon we think our ſelves bound to let Your MAIESTY know, That ſeeing the continuance of this Parliament is ſetled by a Law (which as all other Lawes of Your Kingdoms, Your Majeſtie hath ſworne to maintaine, as we are ſworne to our Allegiance to Your Majeſtie, (theſe obligations being reciprocall,) we muſt in duty, and accordingly, are reſolved with our Lives and Fortunes, to defend and preſerve the *Juſt Rights, and full Power of this Parliament*: And doe beſeech Your *Majeſty* to be aſſured, That Your *Majeſties* Royall, and hearty Concurrence with us herein, will be the moſt effectuall, and ready meanes of procuring a firme and laſting *Peace*, in all Your *Majeſties* Dominions, and of begetting a perfect underſtanding between Your *Maieſty*, and Your *People*; without which Your *Maieſties* moſt earneſt Profeſſions, and our moſt reall Intentions concerning the ſame, muſt neceſſarily be fruſtrated. And in caſe Your *Maieſties* three Kingdomes ſhould, by reaſon thereof, remain in this ſad and bleeding Condition, tending, by the continuance of this unnaturall *War*, to their *Ruine*; Your *Maieſty* cannot be the leaſt, nor the laſt ſufferer. God in his goodneſſe incline Your Royall Breaſt, out of pitty and compaſſion to thoſe deep ſufferings of Your Innocent People, to put a ſpeedy, and happy Iſſue to theſe deſperate Evills, by the joynt advice of both Your Kingdomes, now happily united in this *Cauſe*, by their late ſolemne *Leagne* and *Covenant*. Which as it will prove the ſureſt remedy; ſo

is it

is it the earneſt prayer of Your *Maieſties* Loyall Subiects, the *Lords* and *Commons* Aſſembled in the Parliament of *England*.

Weſtminſter the 9th. of *March* 1643.

Grey of *Warke*, Speaker of the Houſe of Peers in Parliament, *pro tempore*.

William Lenthall Speaker of the Commons-Houſe in Parliament.

Whoſoever conſiders that this ſhould be a Letter from Subjects, might well thinke it very unbeſeeming language in them, to call His Majeſties earneſt endeavous for Peace, but *Profeſſions*, and their owne feigned pretence, *moſt reall Intentions*, but much more menacing language, that *His Majeſty cannot be the leaſt or laſt Sufferer*; which expreſſions from Subjects in Armes to their Soveraigne, what dangerous conſtruction they may admit, we are unwilling to mention.

But we need not wonder at the manner of their expreſſions, when we ſee in this Letter the Parliament it ſelfe, as farre as in them lies, deſtroyed, and thoſe who here ſtile themſelves, The Lords and Commons aſſembled in the Parliament of *England*, not to reſolve upon their Anſwer to their King, without the concurrent advice and conſent of the Commiſſioners, as they call them, of the Kingdome of *Scotland*.

If they had onely taken the advice of the Scottiſh Commiſſioners, they had broken the Fundamentall Conſtitution of Parliament; the very Writs of Summons, the Foundation of all power in Parliament, being in expreſſe termes for the Lords to treat and adviſe with the King and the Peeres of the Kingdome of *England*, and for the Commons to do and conſent to thoſe things, which by that Common-Councell of *England* ſhould be ordained, thereby excluding all others.

But their League, it seemes, is gone further; the Scots must consent as well as advise, so that they have gotten a negative voice, and they, who in the former Letter would be the Kings onely Councell, are now become no Councell without the Scottish Commissioners: the truth is, they have (besides the solemne League and Covenant with the Scots, (which their Letter mentions) a strange & traiterous presumption for Subjects to make a Covenant & League with Subjects of another Kingdom without their Prince,) made private bargaines with the Scots touching our Estates, and a private agreement, not to treat without their consent, as some of themselves being afraid of a Treatie, openly declared to the Common-Councell of *London*; and therefore 'tis no wonder, that being touched to the quick, with the apprehension that they are not, nor can be in this condition, a full and free Convention of Parliament, They charge Vs with deserting Our trust, and would have Vs to be no Members of the Parliament. They may remember it was our want of freedome within, and the seditious Tumults without, their many multiplied Treasons there, and imposing traiterous Oathes, which inforced our absence: but concerning that and the want of freedome in Parliament, we shall say no more here, (that being the subject of another Declaration,) onely we wish them to consider by what fundamentall Lawes of the Kingdom (which they have lately wrested to serve all turnes) they can exclude Vs from our Votes in Parliament, who were duely summoned, chosen and returned Members of Parliament, and take in those of another Kingdome to their resolutions, who are not bound by our Lawes.

But what violation soever they make of the Lawes, they are forward to put the King in mind of his Dutie; and therefore tell Him, That He is sworn to maintain the Lawes, as they are sworne to their Allegiance to Him, these obligations being reciprocall, it is true in some sense, that the Oath of the

King

King and Subjects is reciprocall, that is, each is bound to performe what they ſweare, the King as well as the Subjects; but he that will well weigh their Letter, and make one part have connexion with the other, and examine that part of their Covenant, whereby they ſweare they will defend the Kings Perſon and Authoritie (no further or otherwiſe then) in preſervation of their Religion and Liberties, may easily finde another conſtruction, *viz.* That the Subjects Allegiance is no longer due than the King performes his Dutie, nay, no longer than He in their opinion obſerves his Dutie, vvhereof they themſelves muſt be Iudges; and if He faile in his Dutie, they may take up Armes againſt Him; a principle which as it is utterly deſtructive to all Government, ſo we believe, they themſelves dare not plainly avow it, leaſt as they now make uſe of it againſt the King, ſo the People finding their failer of Dutie, and breach of Truſt, ſhould hereafter practiſe it by taking up Armes againſt them, and ſo ſhake off that yoake of tyrannie impoſed by their fellow-ſubjects, which lies ſo heavie upon them, that it were well, as they ſtill preſſe upon the King maintenance of the Lawes, they would alſo knovv that their obligation to obſerve the ſame is reciprocall, and while they here reſolve to defend and preſerve the full power of this Parliament, (which in their ſenſe can be no other than the power they have exerciſed this Parliament) they would take notice, that they are therein ſo farre from obſervation of the Lawes, that they deſperately reſolve an utter ſubverſion of them; for what can more tend to the deſtruction of the Lawes, then to uſurpe a power to themſelves without the King, and againſt his will to raiſe Armes, to attribute to their Orders or pretended Ordinances, the power of Lawes and Statutes, to inforce Contributions, Loanes, and Taxes of all ſorts from the Subject, to impriſon without cauſe ſhewed, and then prohibit Writs of *Habeas Corpus* for their enlarge-

ment, to lay Exciſes upon all Commodities, to command and diſpoſe of the Lives and Eſtates of the freeborne Subjects of this Kingdome at their pleaſure, to impoſe Tonnage and Poundage, contrary to the Law declared in the late Act for Tonnage and Poundage, and all this done and juſtified, as by a legall civill power founded and inherent in them? all which are manifeſt breaches of the Petition of Right and *Magna Charta*, the great Evidence of the Liberties of *England*; which Charter by expreſſe words binds them and us, though aſſembled in Parliament, as well as the King, and though it be not now, as heretofore it hath been, taken by ſolemne Oath on the Peoples part as well as on the Kings, nor a curſe as heretofore pronounced on the violaters, yet they having taken a Proteſtation to maintain the Lawes, and the Liberties, and Properties of the Subject, and incluſively that Charter, let them take heed whileſt they make uſe of this their pretended Power to the deſtruction of the Law, leaſt a curſe fall upon them and upon their poſteritie. God knoweth, and it is too certain a truth, that our ſelves and many other good Subjects in this Kingdome, even under the power of the Kings Armie, have ſuffered exceedingly in Liberty and Eſtates during this preſent Rebellion, by many heavie charges; the ſad conſideration whereof makes our hearts bleed, becauſe we can ſee no way for reliefe, ſo long as this unnaturall Rebellion continues: but as theſe things were firſt practiſed by them, and thereby neceſſitated upon the Kings Armie; ſo it was never yet pretended that they were done by vertue of a Law, but either by conſent, or by the unhappy and unavoidable exigences of Warre, and to expire with the preſent Rebellion, which God in mercy haſten. For our parts we have the inward comfort of our own conſciences, witneſſing with us, that we have improved all opportunities and advantages for the reſtoring of this Kingdome to its former Peace; and we muſt witneſſe for

His

His Majesty his most hearty desires thereof: and though both his Majesty and our endeavours therein have been made frustrate, yet God in his great goodnesse hath raised up our spirits, not to desert our Religion, our King, our Lawes, our Lives, the Liberties of us English freeborne Subjects, and by Gods assistance and his Majesties concurrence, we do resolve to unite our selves as one man, and chearfully adventure our Lives and Estates for the maintenance and defence of the true Reformed Protestant Religion of the Church of *England*, (of which we professe our selves to be,) for the defence of the Kings Person and Rights of his Crowne, for the regaining and maintaining the Rights and Priviledges of Parliament, and the Liberty of the Subjects person, and Property of his estate, according to the known Lawes of the Land, to repell those of the Scottish Nation, that have in a warlike manner entred this Realme, and to reduce the Subjects thereof, now in Rebellion, to the Kings obedience: and we doubt not but the same God will enlighten the eyes of the poore deceived People of this Land, like true hearted honest English-men, to joyne unanimously with us in so just and pious a worke. And the God of Heaven prosper us, according to the goodnesse of the Cause We have in hand.

The Names of the Lords and Commons of PARLIAMENT Assembled at OXFORD, who did subscribe the Letter to the Earle of ESSEX, dated *January* 27. 1643.

CHARLES P.
YORKE.
CUMBERLAND.
Ed. Littleton C. S.
Fra. Cottington.
D. Richmond.
M. Hertford.
E. Lindsey.
E. Dorset.
E. Shrewsbury.
E. Bath.
E. Southampton.
E. Leicester.
E. Northampton.
E. Devonshire.
E. Carlile.
E. Bristoll.
E. Barkshire.
E. Cleveland.
E. Rivers.
E. Dover.
E. Peterborough.
E. Kingston.
E. Newport.
E. Portland.
L. Conway.
L. Digby.
L. Moubray & Mattravers.
L. Wentworth.
L. Cromwell.
L. Rich.
L. Paget.
L. Chandoys.
L. Howard *of Charlton.*
L. Lovelace.
L. Savile.
L. Mohun.
L. Dunsmore.
L. Seymour.
L. Percy.
L. Wilmott.
L. Leigh.
L. Hatton.
L. Iermin.
L. Carrington.

Iohn

IOhn Fettiplace.
Alex. Denton.
Iohn Packington.
Tho. Smith.
F. Gamul.
Io. Harris.
Ioſeph Iane.
Ric. Edgcombe.
Ionathan Raſhleigh.
G. Fane.
P. Edgcombe.
Will. Glanvill.
Ro. Holborne.
Ra. Sydenham.
Fr. Godolphin.
Geo. Parry.
Amb. Manaton.
Ri. Vyvyan.
Io. Polewheile.
Iohn Arundell.
Tho. Lower.
Edw. Hide.
Will. Alleſtree.
Geo. Stonehouſe.
Ed. Seymour.
Peter Sainthill.
Will. Poole.
Roger Mathew.
Ri. Arundell.
Ro. Walker.
Giles Strangwaies.
Iohn Strangwaies.
Tho. Hele.
Ger. Naper.
Sam. Turner.
Will. Conſtantine.
Hen. Killigrew.
Ri. King.
Iohn Dutton.
Hen. Bret.
Will. Chadwell.
Theobald Gorges.
Iohn George.
Tho. Fanſhaw.
Humf. Conningesby.
Ri. Seaborne.
Arth. Ranelaugh.
Tho. Tomkins.
Sampſon Evers.
Iohn Culpeper.
Ieffrey Palmer.
Iohn Harriſon.
Tho. Fanſhaw.
Rog. Palmer.
Orlando Bridgman.
Will. Watkins.
Iohn Smith.
Tho. Bludder.
Ed. Littleton.
Harvy Bagot.
Ri. Leveſon.
Ri. Cave.
Ri. Weſton.
Ri. Lee.
Tho. Whitmore.
Ed. Acton.

C. Baldwin.

C. Baldwin.
R. Goodwin.
Tho. Howard.
Tho. Littleton.
Ro. Howard.
Iohn Meux.
Matthew Davis.
F. Cornwallis.
Tho. Iermyn.
Iohn Tayler.
William Baſſet.
William Portman.
Edw. Rodney.
Tho. Hanham.
Ed. Phelipps.
Iohn Digby.
Ed. Kirton.
Chriſt. Leuknor.
Edw. Alford.
Iohn White.
Iohn Aſhburnham.
Will. Smith.
Tho. Leedes.
I. Thynne.
W. Pleydell.
Ro. Hide.

Ed. Griffin.
Walter Smith.
Geo. Lowe.
Ric. Harding.
Hen. Herbert.
End. Porter.
Sam. Sandys.
Iohn Bodvill.
Will. Morgan.
Will. Thomas.
Io. Moſtyn.
Hen. Bellaſis.
Geo. Wentworth.
Will. Malory.
Ri. Aldburgh.
Iohn Salisbury.
Will. Herbert.
William Price.
Iohn Price.
R. Herbert.
Cha. Price.
Phil. Warwick.
Tho. Cooke.
Rob. Crooke.
Herb. Price.
Iohn Whiſtler.

Theſe

THese Peeres following, being disabled by severall accidents to appeare sooner, have since attended the Service and concurred with us:

Viscount *Cambden.*
Lord *Aburgavenny.*
Lord *Arundell.*
Lord *Capell.*
Lord *Newport.*

Peeres imployed in His Majesties service, or absent with leave.

Marquesse of *Winchester.*
Marquesse of *Worcester.*
Marquesse of *New-Castle.*
Earle of *Darby.*
Earle of *Huntingdon.*
Earle of *Clare.*
Earle of *Marleborough.*
V. *Falkenbridge.*
L. *Morley.*
L. *Darcy* and *Conyers.*
L. *Sturton.*
L. *Evers.*
L. *Dainecourt.*
L. *Pawlet.*
L. *Brudnell.*
L. *Powesse.*
L. *Herbert* of *Cherbury.*
L. *Hopton.*
L. *Loughborough.*
L. *Byron.*
L. *Vaughan.*
L. *Withrington.*

Peeres absent in the parts beyond the Seas.

L. *Coventry.*
L. *Goring.*
L. *Craven* of *Hamsted.*
L. *Craven* of *Ryton.*

Peeres in Prison for their Loyalty to His Majesty.

Earle of *Chesterfeild.*
L. *Mountague* of *Boughton.*

Whoever viewes these numbers, and considers how many Peeres are at this time under age, will quickly know, who and how many are privy or consenting to the Counsells at *Westminster.*

THese Members following, being disabled by severall accidents to appeare sooner, have since attended the Service, and concurred with us.

Peter Venables.
Sir *Iohn Pawlet.*
Edward Bagshaw.
Sir *Iohn Burlasey.*
Francis Newport.
Anthony Hungerford.
Iohn Russell.
Thomas Chichley.
Earle of *Corke.*
Sir *Gervase Clifton.*
Sir *Guy Palmes.*
Robert Sutton.
Gervase Hollis.
Sir *Patritius Curwen.*
Sir *Henry Bellingham.*
Sir *George Dalston.*
Sir *Thomas Stradford.*
Sir *William Dalston.*
Michaell Wharton.
Sir *Robert Hatton.*
Iames Scudamore.
Sir *Iohn Brooke.*
Sir *Iohn Stepney.*

Imployed in His Majesties Service, or
or by Sir

Sir *Iohn Fennick.*
Hugh Potter.

Sir *William Carnaby.*
Sir *Thomas Danby.*
Iohn Fennick.
Ralph Smade.
Sir *William Ogle.*
Sir *Thomas Iermyne.*
Sir *Iohn Stowell.*
Sir *Robert Strickland.*
Sir *Philip Musgrave.*
Iohn Cowcher.
Iohn Coventry.
Sir *Henry Slingesby.*
Sir *Iohn Malory.*
Iohn Bellasis.
Sir *Thomas Ingram.*
Lord *Mansfeild.*
Thomas Hebblethwayte.
Sir *Hugh Cholmely.*
Sir *George Wentworth.*
Sir *Walter LLoyd.*
Sir *Henry Vaughan.*
Francis LLoyd.
Iohn Vaughan.
Richard Ferrers.
George Hartnoll.
Sir *William Vdall.*
Robert Hunt.
Thomas May.
Sir *Thomas Bowyer.*
Sir *Tho. Roe.*

Whoever now considers how many have retired themselves into severall Counties, and so are absent from *Westminster*, and yet cannot through the danger of Travelling be present at *Oxford*; how many have withdrawn themselves into the parts beyond the Seas; how many of their own principall Instruments are Voted out of the House by themselves, as Sir *Iohn Hotham* and his Sonne, Sir *Alexander Carew*, M. *Martyn*, M. *Fiennes*, and many others; and how many now are Imprisoned by them; how many Members from the beginning have been factiously kept from the House upon questions of Election; and how many without any Colour [illegible] by not suffering their Elections to be reported [illegible] are Thirty five Members dead; into whose [illegible] sons are chosen; how many since are become [illegible] Creation, will easily conclude [illegible] remains, and of those how

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X a 33

THE DECLARATION OF THE LORDS and COMMONS OF PARLIAMENT

Assembled at OXFORD according to His MAJESTIES Proclamation,

Concerning their Endeavours since they came thither for the PEACE of the Kingdom, and the Reasons enforcing their absence from *Westminster*.

CHARLES R.

OVr expresse Pleasure is, That this Declaration of the Lords and Commons of Parliament assembled at *Oxford*, be read by the Parson, Vicar or Curate, in every Church and Chappell within Our Kingdom of *England* and Dominion of *Wales*.

March. 19. 1643.

Printed by His MAJESTIES Command, at the *desire of the Lords and Commons of Parliament Assembled at* OXFORD,

By LEONARD LICHFIELD, Printer *to the Vniversity*, 1643.

X

THE DECLARATION

Of the Lords and Commons of Parliament Assembled at OXFORD according to His MAIESTIES Proclamation, concerning their Endeavours since they came thither for the Peace of the Kingdome, *and the Reasons enforcing their absence from* Westminster.

WEE the Lords and Commons of Parliament, being upon just and important reasons absent from the City of *Westminster*, whither Wee were legally called or sent by the Power and Authority of His Majesties Writ, when He summoned His Parliament; And being by His gratious Proclamation of the 22d day of *December*, Convened at *Oxford*, with full Li-

berty to preſent our humble advice to His Majeſty, for the preſervation of the Religion, Lawes, and ſafety of the Kingdome, Thought it moſt agreeable to our Duty to God, our zeale and tenderneſſe of His Majeſties Honour and Safety, and our Affection and Compaſſion of the bleeding condition of our miſerable Countrey, to uſe our utmoſt and earlieſt endeavours, to prevent the effuſion of more Chriſtian Engliſh Blood, and to cloſe thoſe wounds through which this Kingdome is in danger, in a ſhort time, to languiſh even to deſolation. And finding the ill ſucceſſe which had attended all the Overtures of Treaty and Accommodation made by His Majeſty; His Majeſties moſt Gratious Meſſage from *Nottingham*, being with ſo much contempt rejected, which being ſent by Members of both Houſes, thoſe Meſſengers were not ſuffered to deliver it, as Members, or to ſit in the Houſe whil'ſt the ſame was debated, contrary to the Priviledge of Parliament; and that to the two laſt Meſſages, ſent by Him, of the twelfth of *April*, and nineteenth of *May*, (in both which are moſt gratious expreſſions of His Princely and paſſionate inclinations to Peace, as may appeare by thoſe Meſſages herewith again reprinted,) there hath not been the leaſt Anſwer returned to His Majeſty: but on the contrary His Meſſenger impriſoned, and to this day detained; and an Order that on pain of Death none ſhould preſume to come thither from His Majeſty, upon what buſineſſe ſoever, without leave from the Earle of *Eſſex*; in purſuance of which Order, though the ſame paſſed onely the Commons, a ſworne Meſſenger of His Majeſties hath been barbarouſly put to death, for carrying a Legall Writ to *London*; We thought any addreſſe for Peace would moſt ſucceſſefully paſſe through His hands; and

M. Alexander Hampden.

Daniel Knivton.

that

that when We had conſidered how unhappily He had been made an Inſtrument of ſo much blood and devaſtation, He would with great chearfulneſſe have interpoſed in a buſineſſe of Reconciliation, and at leaſt have met Vs halfe way in ſo bleſſed a Worke; and therefore with His Majeſties leave (which He moſt readily and gratiouſly gave Vs, and for which We doubt not He ſhall receive the Thankes and Prayers of all His good Subjects) We direct a Letter to that purpoſe to him, ſigned under our hands. Whoſoever reades that Letter (and We hope it will be read by all men) will beare Vs witneſſe (and it will be a Witneſſe againſt thoſe who have rejected it,) that We have done our parts. Inſtead of vouchſafing Vs any Anſwer, or propoſing Vs any other way towards Peace, (if that which We propoſed was not thought convenient,) he writes a ſhort Letter to the Earle of *Forth*, Generall of His Majeſties Army, acknowledging the receipt of ours, but ſaying, that *it neither having addreſſe to the two Houſes of Parliament, nor therein there being any acknowledgement of them, he could not communicate it to them*; Whereas the addreſſe was in the way preſcribed, (preſcribed under pain of Death no addreſſe being allowed, as aforeſaid, but by the Earle of *Eſſex*,) and he being deſired to repreſent to, and promove with thoſe by whom he is truſted, our moſt ſincere and earneſt deſire of a Treaty; ſo that if there had been the leaſt inclination to, or enduring of an Overture of Peace, he might have as eaſily communicated it to all thoſe by whom he is intruſted, as to a Committee, by whoſe Advice ('tis well knowne) his Anſwer was ſent, and with it, and as part of it, a Paper entituled, *The Declaration of the Kingdom of Scotland*; and *A Declaration of the Kingdomes of England and Scotland*;

and another, *A ſolemne League and Covenant*; the Declarations and Covenant being againſt the King of both Kingdomes, without the conſent of, and againſt the Major part of the Nobility, and We are confident the Gentry and Commonalty of This. And if his Lordſhip would make good his own Letter, and ſpend his Blood, or but uſe his endeavour for the maintenance of the Parliament of *England*, being indeed the foundation whereupon all Our Lawes and Liberties are ſupported, We ſhould not Treat at this diſtance, at leaſt a Treaty would not have been rejected. Wee ſuffered not Our Selves to be diſcouraged with this Refuſall, but a ſafe Conduct was deſired for two Gentlemen (againſt whom there neither was nor could bee the leaſt exception) to go to *Weſtminſter*, to preſent ſuch Propoſitions as might beſt conduce to the Peace of the Kingdome; conceiving, that by ſuch meanes Our meaning and intentions might beſt appeare, and all Formalities and unneceſſary inſiſting and miſtakes upon words might be removed. This ſafe Conduct (which hath never been denied by His Majeſty, or His Generalls, to any Perſon who hath deſired to have admittance to Him,) was likewiſe abſolutely refuſed by the Earle of *Eſſex*, yet with ſome expreſſions, *That if any Propoſitions ſhould be ſent to thoſe by whom he was intruſted, he would uſe his utmoſt endeavours to advance Peace*; which though it ſeem'd nothing agreeable to his former Anſwers, obtained yet ſo much credit with Vs, that We beſought His Majeſty once more, in His own Royall Name, to preſſe and deſire a Treaty, and to direct His Meſſage under ſuch a Title, That they, who call themſelves the two Houſes of Parliament, could not take any exception, but ſhould be compelled to returne

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ſome Anſwer or other. And an Anſwer it hath drawne from them, but ſuch a one as will ſufficiently informe the world (if there could yet have remained any doubt of it) how much they are Enemies to Peace. Thoſe Anſwers, Declarations, and that Covenant, are likewiſe publique to all men, God and the world muſt judge between Vs. In the meantime We muſt, without bitterneſſe or ſharpneſſe of Language, (to which neither example or provocation ſhall tranſport Vs) tell theſe men, That moſt of Vs are too well known, even to themſelves, to be ſuſpected to incline to be either Papiſts or Slaves, or that We can poſſibly be made Inſtruments to advance either Popery or Tyranny. And ſince the Defence of the Religion, Lawes, and Liberties of the Kingdome, ſeemes to be (and in truth is on our part) the Argument of this bloody Contention, and that We are endeavouring all wayes to deſtroy one another, in the behalfe of that We all do, or all pretend to deſire, We thinke our ſelves obliged to Truth, to the preſent Age and to Poſterity, to let the world know, that as We are much more tender of the Religion, Lawes and Liberty of the Kingdom, then of our Lives and Fortunes; ſo the uneaſie Condition wherein We are, and the heavie Iudgements and proſcriptions impoſed on Vs by our Equals, have proceeded, and been cauſed from that Conſcience, Loyalty and Duty, in which We have been borne and bred, and from which We could not ſwerve without the manifeſt breach of our Allegiance, and thoſe civill Oathes We are obliged by; as, We hope, will appeare to all men by this our enſuing Declaration.

We ſhall paſſe over (onely acknowledging His *Maieſties* abundant care and favour to His People) thoſe excellent Lawes made this Parliament, for the vindication and re-

movall of those mischiefes and inconveniences, which seemed to threaten our Rights and Liberty, to all which there are very few amongst Vs who concurred not fully, (however We are now traduced with the negligence of both;) And that most gracious offer of His *Maiesty*, to consent to an Act for the ease of tender Consciences in matters indifferent, which if it had been accepted, would have prevented many of the miseries have since befallen this poore Kingdome.

And becaus the name and Priviledge of Parliament is pretended in defence of those Actions, which are done contrary to the known Lawes, (by which onely right and wrong can be measured and determined,) and by that venerable name many of our Companions and Friends have been led into unwarrantable Actions; before We come to consider the state and condition of the Religion, Lawes, and Liberty of the Kingdome by these Distractions, We shall let the world know, how much the inherent and essentiall Priviledges of Parliament have been violated; how We (being called by His Majesty, and trusted by our Countrey with their suffrages in that Councell) have been driven, and are now kept from the place whither we were first called by His Majesty, and where some Members still sit; And lastly, how farre this miserable, and (to say no more) this unjustifiable Civill Warre, and this desperate and odious Invitation of a Forreigne Power to invade this Kingdome, is from having the Countenance, Authority, and Approbation of the two Houses of Parliament.

The great industry and ill Arts used by those who have since been Principall Instruments of the present Rebellion, to bring in Persons of their Faction into the House of Commons, the admitting and receiving such who were

neither

neither lawfully choſen, or lawfully returned by their Country, and the putting and keeping out others whoſe opinions were not liked; The reprehending, reproaching and impriſoning of Members for ſpeaking freely according to their conſciences in matters in debate; The poſting and ſetting up Mens names in publique places, and proſcribing them as Enemies to their Country, who diſſented in the Houſes in opinion in matters debated, and being complained of, no reparation granted; The ſitting at unparliamentary howres, thereby wearying and tyring many Members from attendance, and ſo in a thinne Houſe altering and reverſing the reſolution taken in a full Houſe; The refuſing to receive and ſuppreſſing Petitions againſt Perſons in favour, though in poynt of Bribery and corruption in Iudicatory, and the like of other Petitions from whole Counties, for the preſervation of the Government of the Church, as from *Nottingham-ſhire* and *Somerſet-ſhire*, whil'ſt others againſt it were received with great countenance and approbation, from mean unknown People; The getting with great labour and Faction ſeverall hands to Petitions from Counties, and then framing new Petitions at *London*, and annexing the hands formerly gotten in the Countrey to thoſe Petitions, of which they who ſubſcribed their hands know nothing, as in the Petition of *Buckingham-ſhire*, & the ſetting names in *London* to Petitions in the name of, as if they had bin ſubſcribed in remote Counties; The uſurping of Iuriſdictions to ſupercede Acts of Parliament, & to diſpenſe with the breach of Lawes in force; The ſuffering undutifull & diſloyal language againſt the ſacred Perſon of the King, without ſo much as Reprehenſion; and the denying His Majeſties negative Voyce; We inſiſt not ſo much (though very

As in the caſe of the late. Earle of Manchester Lord Privy-Seale.

prejudiciall and ſcandalous to the Priviledges and Honour of Parliament) as on thoſe Acts of Force and Violence, which are contrary and deſtructive to the Freedome and Liberty of Parliament.

Shortly after His Majeſtie returned from *Scotland*, there being a very long debate in the Houſe of Commons concerning an unparliamentary Remonſtrance to be publiſhed to the People of the ſtate of the Kingdome, (which many of Vs then thought might prove prejudiciall to the Peace thereof;) Captaine *Venne*, then a Member of the Houſe of Commons, (who had before bragged of having brought down the People upon the two Houſes, and ſo drawn Reſolutions from them,) ſent notes in writing under his hand into the Citie, that the People ſhould come down to *Weſtminſter*, for that *the better part of the Houſe was like to be ever-powred by the worſer part*; whereupon both at that time, and ſome dayes after, Multitudes of the meaneſt ſort of People, with weapons not agreeing with their condition or cuſtome, in a manner very contrary and deſtructive to the Priviledge of Parliament, filled up the way between both Houſes, offering injuries both by words and actions to, and laying violent hands upon ſeverall Members, proclaiming the names of ſeverall of the Peeres, as *evill and rotten-hearted Lords*, crying out many houres together againſt the eſtabliſhed Lawes, in a moſt tumultuous & menacing way. This action of Captain *Venn's* was complained of to the Houſe of Commons, and Witneſſes offered to prove it; a Fellow who had aſſaulted and reproached a Member of the Houſe of Commons in thoſe Tumults was complained of, and ſhewed to the Houſe, in the number of thoſe who brought a Petition to the Barre; and yet in neither of theſe caſes

Iuſtice,

Iuſtice, or ſo much as an Examination could be obtained. Vpon a ſuggeſtion and pretence of danger, and ſuit made to His Majeſty, a Guard was allowed and appointed by Him for the ſecurity of both Houſes: ſhortly after, this Guard was refuſed and diſcharged by themſelves, and a new Guard appointed by them without His Majeſties conſent, thereby to awe all thoſe who concurred not with them. A legall Writ iſſuing out by the direction of the Houſe of Peers under the Great Seale of *England*, to prevent thoſe Tumults which daily infeſted both Houſes, the Iuſtices of the Peace, for executing that Writ according to their Oathes, were impriſoned by the Houſe of Commons. A Commiſſion under the Great Seale of *England*, for enquiry after Riots committed in *Southwarke*, was likewiſe ſuperſeded by an Order of the Houſe of Commons; and when the Lords deſired by ſeverall Meſſages, that the Houſe of Commons would joyne with them in a Declaration againſt Tumults, they refuſed, or neglected to joyne with them, it being ſaid by Maſter *Pym* in the Houſe of Commons, *God forbid we ſhould diſhearten our friends who came to aſſiſt us.* And albeit ſome of the Lords profeſſed, that if the People were againe drawne downe in that tumultuous manner, they would no more come to the Houſe; and albeit an Order was made, that in ſuch a caſe the Houſe ſhould be preſently adjourned; yet thoſe Tumults again appearing, that Order, though urged by ſeverall Lords, was not ſuffered to be executed.

The Houſe of Commons having deſired the Houſe of Peeres to joyn with them in deſiring His Majeſty, that the *Militia* of this Kingdome might be put into ſuch hands as both Houſes did confide in; and this Deſire having

been put to the Queſtion, and carried negatively by much the *major* part of the Lords: it being again reſumed at another time (contrary to the courſe of Parliament) the debate was begun with a Declaration made by ſeverall of thoſe Lords, againſt whom that Queſtion was twice carried by Votes, (and that by much the *maior* part) that *whoſoever refuſed in this particular to ioyne with the Houſe of Commons, were in their opinions Enemies to the State*; words deſtructive from the Liberty and Freedome of debate.

During the time that this buſineſſe of the *Militia* was in debate, (that is, before it had the approbation and conſent of the Houſe of Peeres) a Petition in a tumultuous manner was delivered to the Houſe of Lords, in the name of the *Knights, Gentlemen, Freeholders, and others the Inhabitants of the County of Hertford*, reckoning up the cauſes of the preſent Feares, Troubles and Diſtractions, and among them the want of Compliance in that Honourable Houſe with the Houſe of Commons, in entertaining thoſe many good Motions, and paſſing thoſe neceſſary Bills preſented to them from that Houſe, for the publique good; and deſiring Liberty to proteſt againſt all thoſe, as Enemies to the Publique, who refuſed to joyne with the Honourable Lords, whoſe endeavours were for the publique good, and with the Houſe of Commons, for the putting the Kingdome into a Poſture of Safety, under the Command of ſuch Perſons as the Parliament ſhould appoint. Severall Petitions of the ſame nature, particularly one under the Title of *the Knights, Gentlemen, Freeholders and other Inhabitants of the County of Surrey*, directed to the Houſe of Peeres, concluded with this Cloſe, *That they ſhould be in duty obliged to maintain their Lordſhips*,

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so farre as they should be united with the House of Commons in their iust and pious proceedings; sufficiently intimating, That if they joyned not with the House of Commons, they then meant as much as others had plainly professed. About the same time, a Citizen saying at the Barre of the House of Commons, *That they heard there were Lords who refused to consent and concurre with them, and that they would gladly know their names*; or words to that effect; A Petition in the name of many thousand poore People, in and about the City of *London*, was directed to the House of Commons, *taking notice of a Malignant Faction that made abortive all their good Motions, which tended to the Peace and Tranquillity of this Kingdome, desiring that those noble Worthies of the House of Peeres, who concurred with them in their happy Votes, might be earnestly desired to ioyne with that Honourable House, and to sit and Vote together, as one entire Body*; and professing, that *unlesse some speedy remedy were taken for the removing all such obstructions, as hindred the happy progresse of their great endeavours, their Petitioners should not rest in quietnesse, but should be forced to lay hold on the next remedy which was at hand, to remove the disturbers of the Peace, and* (want and necessity breaking the bounds of modesty) *not to leave any meanes unassayed for their reliefe*; Lastly, adding, *that the cry of the poore and needy was, that such Persons, who were the obstacles of their Peace, and the hinderers of the happy proceedings of this Parliament, might be forthwith publiquely declared, whose removall they conceived would put a period to those distractions*. And this Petition was brought up to the House of Lords, by the House of Commons at a Conference; and after, the same day, Mr *Hollis*, a Member of the House of Commons, in a Message from that House,

preſſed the Lords at their Barre to joyne with the Houſe of Commons in their Deſire about the *Militia*; and farther with many other expreſſions of like nature deſired in words to this effect, *That if that Deſire of the Houſe of Commons were not aſſented unto, thoſe Lords who were willing to concurre, would finde ſome meanes to make themſelves known, that it might be known who were againſt them, and they might make it known to thoſe that ſent them.* After which Petition ſo ſtrangely framed, countenanced and ſeconded, many Lords thereupon withdrawing themſelves, the Vote in order to the *Militia*, twice before rejected, was then paſſed.

After theſe and other unparliamentary Actions, many things rejected and ſetled upon ſolemne debate were again, after many Threates and Menaces, reſumed, altered, and determined, contrary to the Cuſtome and Lawes of Parliament. And ſo many of Vs withdrew our Selves from thence, where We could not Sit, Speak, and Vote, with Honour, Freedome, and Safety, and are now kept from thence for our Duty and Loyalty to our Soveraigne. And though ſome of Us ſate and continued there long after this, hoping that We might have been able to have prevented the growth and progreſſe of farther miſchiefe; yet ſince the Priviledge of Parliament is ſo ſubſtantiall and entire a Right, that as the Invaſion of the Liberties of either Houſe is an injury to the other, and the whole Kingdome; ſo the violence and aſſaults upon any of our Fellow-Members, for expreſſing their opinions in matters of debate, were inſtances to Us, what We were to look for when We ſhould be known to diſſent from what was expected: and under that conſideration every one of our juſt Liberties ſuffered violation.

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Many of us having for theſe and other reaſons, after His Majeſtie himſelfe was by many indignities and force driven from *Weſtminſter*, have been, contrary to the right and freedome of Parliament, Voted out of the Houſe, without committing any Crime, and ſome of us without hearing, or ſo much as being ſummoned to be heard; and ſo our Countries, for which we were, and are truſted, have beene without any Proxies or Perſons truſted on their behalfe; an Army hath been raiſed without and againſt His Majeſties Conſent; and a Proteſtation enjoyned to live and dye with the Earle of *Eſſex*, their Generall of that Army; and a Member now amongſt us refuſing to take that Proteſtation, was told, That if *he left not the Towne ſpeedily he ſhould be committed to the Tower, or knockt on the head by the Souldiers.* All Perſons, even the Members of both Houſes, have been and now are forced, or enjoyned to contribute for the maintenance and ſupport of that Army; A traiterous Covenant is ſince taken by the Members who remaine, and impoſed upon the Kingdome, *that they will to their power aſſiſt the Forces raiſed and continued by both Houſes of Parliament, againſt the Forces raiſed by the King*; with many other Clauſes, directly contrary to their Allegiance; and another for the alteration of the *Government of the Church* eſtabliſhed by Law: and ſuch Members as have refuſed, according to their duty and conſcience, to take thoſe Covenants, have been impriſoned or expelled; ſo as they have ſuffered none to reſide with them, but thoſe who are engaged with them in their deſperate courſes. M. *Gamul.*

The whole Power and Authority of both Houſes is delegated, againſt the Law and nature of Parliament, to a ſole Committe, which aſſumes and uſurpes the power

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of King, Lords and Commons, diſpoſes of the Perſons, Liberties and Eſtates of us and our fellow Subjects, without ſo much as communicating their Reſolutions to thoſe that ſit in the Houſes. And when an Order hath been reported to be confirmed by them, it hath been only put to the Queſtion, no debates being ſuffered, it having been ſaid in the Houſe where the Commons ſit, to thoſe who have excepted againſt ſuch an Order, when preſented, *That they were only to Vote, not to diſpute*; and thereupon all Argument and contradiction hath been taken away. And to ſhew how impoſſible it is to containe themſelves within any bond of civility and humanity, when they have forfeited their Allegiance, after the attempt in a moſt barbarous manner to Murther the Queenes Majeſty at Her landing at *Burlington*, by making many great ſhott at the houſe, where Shee lodged for Her repoſe after a long Voyage by Sea, where by Gods bleſſing it was diſappoynted, they impeached Her of high Treaſon, for aſſiſting the King Her Husband, and the Kingdome in their greateſt neceſſities. All Petitions and addreſſes for Peace have been, with great Art and vehemence, diſcountenanced and ſuppreſſed; whil'ſt others for ſedition and diſcord have with no leſſe Induſtry and paſſion been promoted; And when the Members of the Houſe of Commons in *Auguſt* laſt, had agreed upon a long and ſolemne debate to joyn with the Lords in ſending Propoſitions of Peace to His Majeſty, the next day Printed papers were ſcattered in the Streets, and fixt upon the publique places both in the City and Suburbs, requiring *all Perſons well affected to riſe as one man, and to come to the houſe of Commons next morning, for that* 20000 *Iriſh Rebells were landed*, which direction and Information was likewiſe that day given

given in Pulpits by their ſeditious Preachers; and in ſome of thoſe Papers were ſubſcribed, *That the Malignant Party had over-voted the good, and if not prevented there would be Peace*; (the Propoſitions for Peace being the day before carried by nine and twenty voyces:) a common Councell was called late at night, though Sunday, and a Petition there framed againſt Peace, which was the next morning brought to the Houſe, countenanc'd by Alderman *Pennington* (a knowne Promoter and Governour of thoſe Tumults,) and attended with a great multitude of meane Perſons, who uſed Threats, Menaces and Reproaches to the Members of both Houſes; their Petition took notice of *Propoſitions paſſed by the Lords for Peace, which if allowed, would be deſtructive to Religion, Lawes and Liberties*; and therefore deſired an Ordinance according to the Tenor of an Act of their common Councell the night before; Thankes was given them by the Commons, whil'ſt the Lords complained of the Tumults, and deſired a concurrence to ſuppreſſe them, and to prevent the like, many of the People telling the Members of both Houſes, *That if they had not a good anſwer they would be there the next day with double the number*. By theſe Threats and violence, the Propoſitions formerly received were rejected, and all thoughts of Peace laid aſide; Shortly after, great numbers of women reſort to the Houſe where the Commons ſate, with a Petition for Peace; Troopes of Horſe were hereupon ſent for, who wound and kill ſeverall of the women, and diſperſe the reſt; then ſpeciall notice was taken of thoſe Members who ſeemed moſt importunate and deſirous of Peace, and thereupon the late Covenant eagerly and ſeverely preſſed upon them. By reaſon whereof, and the other miſcarriages, whereby their freedome

was absolutely taken from them, divers of both Houses withdrew themselves.

And We must now appeale to all our Fellow Subjects of this Kingdome, who have taken the Oathes of Allegiance and Supremacy, who have any knowledge of the Rights, Customes and Priviledges of Parliament, or of the frame and constitution of this Realme, whether we or they have failed in our duty to our King or Countrey; and whether we have not, in discharge of a good Conscience, undergone the evils We have borne: And then We doubt not, We shall not be thought lesse Members of Parliament, though We are not at *Westminster*, then if that City were in possession of a Forraigne Enemy. Yet We confesse the place to be so materiall, that if there were that Liberty and Freedome which is due to the Members, and indeed is the life of Parliament, the Act of those in the House (being a lawfull Act) is the Act of the House, though there were a greater number absent, all who were of another opinion: but in our case, when we are by force driven away, and by force kept away, and when nothing can be said to justifie the Actions which are done, but the reputation and number of the Actors, We rely so much upon the understanding and honesty of our Countrimen, that they will believe, when they see our concurrence and unanimity in Resolutions and Counsell for their Peace, Welfare, and Security, (as We are confident the number of Those who concurre in this Declaration, is greater than hath concurred in most, if not in any of those things of which We complain,) that it will be better for them to be advised by Vs at *Oxford*, than by those at *Westminster*; from whence We are absent onely by reason of those outrages and violence offered to our Persons or our Consciences,

Consciences, which takes away all freedome, and consequently all Authority from those Councells; and where indeed these men ought not to undertake to act any thing, till that Freedome and Liberty be restored to Vs, who as long as this Parliament shall continue (notwithstanding all the Votes of those who are Guilty of Treason and Rebellion) must account our selves, and shall be accounted by our Countrey, the true and lawfull Members of Parliament.

Having said thus much to undeceive our Brethren, and that our Fellow Subjects may be no longer seduced to unlawfull actions, by colour and pretence of Parliament, we shall briefly present to their view and consideration the danger and condition of His Majesties Person, His Honour and Rights, the Religion and Liberty of the Kingdome; the defence and maintenance of which those Persons, with whom we cannot agree, seem and pretend to undertake. For their care of the Honour and safety of His Majesties Person, (to the which we are so absolutely obliged, and so solemnely sworne,) we shall need onely to mention (which we mention with great sadnesse of heart and horror) the taking by force His Majesties Forts, Townes, Navie; the assuming a power over the *Militia* of the Kingdome; the denying His Majesties Negative Voice; the uncomely, insolent and disloyall mentioning of His Majesties Person; the neglect, contempt and violation of Leagues made by His Majesty with Forraigne Princes, in the injuries and affronts done to their publique Ministers, and otherwise; the transcendent presumption of sending Agents to Forraigne Princes, and in the name of the States of *England*; the traiterous distinction between the Person of the King and His Office, and declaring, That

an attempt upon His life is not High Treason, which doctrine is so much countenanced, that Persons, who have threatned to Kill the King, having been complained of, have been left *unpunished*, and the Witnesses and Prosecutors *threatned* or discountenanced; The raising an Army against Him, and therewith giving Battell to His Person; All which are known to be very unagreeable with the Affection, Duty and Loyalty of Subjects, and Englishmen.

Concerning Religion, We cannot but with bleeding hearts, and trembling soules consider the unheard of Impieties and Prophanations exercised in Churches, and Consecrated places, the Countenance and license given to scandalous, debosh, ignorant Lay-persons to Preach, and exercise the Office of the Ministry; the suppressing and cruell useing and imprisoning in Goales and on Shipboard, Godly, Learned, Orthodox Divines, famous and exemplar in their lives and Doctrine, the most eminent Assertors of the Protestant Religion, against Popery and Innovations; The Scurrilous and Scandalous Reviling, scoffing and suppressing the Book of Common-Prayer, compiled by glorious Martyrs for the Protestant Religion established by Law, and so long, and so publiquely used, and acknowledged as an excellent and unparallel'd forme of Devotion and Divine service; The suspending the execution of the Act of Parliament made in the first yeare of Queen *Elizabeth* of famous memory, for uniformity of Common-Prayer, by an Order under the hand of a private Member of the House of Commons, and that during the recesse of both Houses; The stirring up and inciting the People to Rebellion in Pulpits; and (which is the greatest scandall and reproach to the Protestant Religion

M. *Pym.*

gion that can be imagined) the making Religion it ſelfe the ground and cauſe of Rebellion; Laſtly, after having lived ſo many yeares in the moſt glorious, and moſt unblemiſhed Church of Chriſtendome, the totall defacing and pulling downe the whole Fabrick of it; cenſuring and reproaching the Doctrine, and deſtroying the diſcipline, and as if we were caſt a ſhore in ſome uninhabited Climate, where the Elements of Chriſtianity were not known, The calling, without the leaſt ſhadow or colour of Law, or Lawfull Authority, againſt His Majeſties expreſſe Conſent, manifeſtly againſt the Statute of 25th year of King *Henry* the eight, *an Aſſembly of Divines*, compoſed of ſome Noblemen, Gentlemen, and Miniſters, (all under the ſtile of Godly and Learned Divines) moſt of which are not otherwiſe known, then by their Schiſme & ſeparation from that Church, in which they were borne, and to which they have ſubſcribed; and theſe men now muſt new make and mould the Religion, by which we muſt all be ſaved. God in his good time we hope will vindicate his own cauſe, and repaire the breaches which have been lately made.

For the Lawes of the Land, and the Liberty of the Subject, ſo ſpeciouſly urged and pretended to be the end of thoſe who have diſturbed our Peace, We need ſay little; Every place and every perſon is an ample evidence & teſtimony of the bold and avowed violation of either. The Charter of our Liberties *Magna Charta*, ſo induſtriouſly and Religiouſly preſerved by our Anceſtors, and above Thirty ſeverall times confirmed in Parliament, that Rampier and Bulwark of all the pretious Priviledges and Immunities which the Subjects of this Kingdom could boaſt of, and which diſtinguiſhes them from all the Subjects of

Christendome, is levelled and trampled under foot, scorned, despised and superceded by Votes and Orders; Men of all sorts, Clergy and Laity, imprisoned without the least charge that by the Law is called a Crime, and their Estates are sequestred by persons of whom the Law can take no notice; Committees made by Committes, Rob, Banish, and Imprison the Lords and Commons of *England*; Men committed by persons of no Authority, for no cause, to Prison, have by *Habeas Corpus* (the good old Remedy and Security for our Liberty) been brought to the *Kings-Bench*, and by Command of those who first Committed them remanded, and Commands given to the Iudges that they should grant no *Habeas Corpus* (which they were sworne to grant) to any Persons committed by them, or by those to whom they grant Authority to commit, which themselves have not power to do. Neither can we passe over the motion made by Master *Rigby*, a Member of the House of Commons, to transport those Lords and Gentlemen who were Prisoners, and by them accounted Malignants, to be sold as Slaves to *Argiers*, or sent to the new Plantation in the West Indies, urged the second time with much earnestnesse, because the Proposer had contracted with two Merchants to that purpose; the which though it took no effect at that time, may awaken those who have observed so many things to passe and be ordered, long after it hath been once or twice denied and rejected. And who sees the new and inhumane way of imprisoning Persons of Quality under Deckes on Ship-board, by which cruell usage, many of our Countrimen have been murthered, may have reason to feare they may be hereafter carried a longer voyage then is yet avowed. The Twentieth part of our Estates is at once taken, and if we

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are not willing to obey that Order, the other Nineteen are taken from us as Malignants; a terme unknown and undefined, and yet crime enough to forfeit our lives, and all that we have. Our Fellow Subjects have been executed in cold blood, for doing that which by the Lawes of God and Man they were bound to do; and after their Murther, their Estates seised, and their Wives and Children exposed to misery and famine. Lawes made, and Penalties imposed by Lawes this Parliament, are suspended, dispensed withall, and those things done by Order, against which those Lawes were made. And that there may be no face of Iustice over the Land, the Iudges are prohibited to ride their Circuits, for the Administration of that Iustice which the King owes His People, and they are bound to execute. And after all this, and after the mercilesse shedding so much English blood, after the expending so much money, (much of which was given for reliefe of our poore Protestant Brethren of *Ireland*, and diverted for the improving the distractions at home,) after the transportation of such vast summes of money, and great Treasure into Forreigne Parts, to the unspeakable impoverishing this poore Kingdome; To make our misery lasting and our confusion compleat, a Forreigne Enemy is invited and brought into the Bowels of this Kingdome, to drinke our blood, to divide our Possessions, to give us new Lawes, and to Rule over us; and the better to make way to those horrid Impositions, by confounding and making void all Civill Rights and Proprieties, and the better preparing the Kingdom to be shared by Strangers, a New Great Seale (the speciall Enfigne of Monarchy, and the onely way by which Iustice is derived and distributed to the People) is counterfeited

M. *Yeomans* and M. *Boucheir* of *Bristol*. M. *Tomkins*, M. *Challoner* at *London*; and divers others.

terfeited and uſed, albeit it be by the expreſſe letter of the Statute of the 25. yeare of King *Edward* the third, declared to be High Treaſon.

Having now made this cleare, plain Narration to the Kingdom, (the truth and particulars whereof are known to moſt men) that when Poſterity ſhall find our names in the Records of theſe times, as Members truſted by our Countrey in that great Councell, by whoſe authority and power the preſent alteration and diſtraction ſeems to be wrought, It may likewiſe ſee how farre we have been and are from conſenting to theſe deſperate and fatall Innovations; we cannot reſt ſatisfied without Declaring and publiſhing to all our fellow Subjects & to the whole World, That all our Intentions and Actions have been, are, and ſhall be directed to the defence of His Majeſties Perſon and juſt Rights; the preſervation of the true Proteſtant Religion, and Liberties of the Kingdom eſtabliſhed by Law; That as we doe with all humility to God Almighty, and as a great bleſſing from him, acknowledge His Majeſties happy and Religious Reigne and Government over this Kingdom, and eſpecially the excellent Lawes, and Statutes made in His time, and particularly thoſe in this Parliament; ſo we doe with all duty and ſubmiſſion Declare, That His Majeſty is the only ſupream Governour of this Realme in all cauſes Eccleſiaſticall and Temporall; That His naturall Perſon is not to be divided from His Kingly Office, but that our naturall Allegiance, & the Oathes of Allegiance and Supremacy, doe bind us and all His other Subjects, to Loyalty and Allegiance, to His naturall Perſon; That His Majeſties Negative Voyce (without which Monarchy is diſſolved) is an inherent Right of His Crowne, and that no Orders of one or both Houſes of

Parliament

Parliament, without His Majesties expresse consent, can make a Law to bind the Subjects, either in their Property or Liberty; That we doe from our soules abhorre the present Rebellion raised in this Kingdom against His Majesty, and that all His Majesties Subjects are bound by their naturall Allegiance, and the Oathes Lawfully taken by them, to the utmost of their power, to resist and represse the same; and particularly the Army now under the Command of the Earle of *Essex*, and all other Armies raised, or to be raised without His Majesties consent, under pretence of the two Houses of Parliament. And we doe disclaime all Votes, Orders & Declarations in Countenance or maintenance of the said Armies; And Declare, That no Oath or Covenant voluntarily taken, or inforced, doth, or can bind or dispence with the breach of those other Oathes formerly and Lawfully taken to His Majesty; And that all those who ayde, assist, or abet this horrid and odious Rebellion, are, and ought to be accounted and pursued as Traitors, by the known Lawes of the Land; That we utterly detest and disclaime the Invitation which hath been made to His Majesties Subjects of *Scotland* to enter this Kingdom with an Army, the same being as much against the desires, as against the duty of the Lords and Commons of *England*, and all true hearted Englishmen; And we doe declare and publish to the world, That as any such Invasion, or hostile entry into the Kingdom by the Rebellious Subjects of *Scotland*, is a direct and peremptory breach of the late *Act of Pacification* between the two Kingdoms; so that we, and all the Subjects of this Kingdom are bound by our Allegiance, and by that very Act to resist and represse such Invasion; and whosoever is or shall be abetting, aiding or assisting to

thoſe of *Scotland*, in their hoſtile Invaſion of this Kingdom, ought to be looked upon as betraiers of their Country, and are guilty of High Treaſon by the known Lawes of the Kingdom.

And that our weak miſled and ſeduced Country-men, may no longer pay an implicite regard and reverence to the abuſed name of Parliament, (which theſe guilty Perſons uſurpe to themſelves) and ſo ſubmit to thoſe Actions and Commands, which two Houſes of Parliament (never ſo legally and regularly conſtituted) have not authority to require or enjoyne; and ſince theſe men will not ſuffer their poor Countrey to be reſtored by a Treaty to the benefit of a Parliament, which would with Gods bleſſing eaſily remove theſe miſeries, and prevent the like for the time to come; We muſt and doe declare to the whole Kingdom, That as at no time either or both Houſes of Parliament, can by any Orders or Ordinances impoſe upon the People without the Kings conſent; ſo by reaſon of the want of Freedom and Security for all the Members of Parliament to meet at *Weſtminſter*, and there to Sit, Speak and Vote with Freedom and ſafety, all the Actions, Votes, Orders, Declarations, and pretended Ordinances, made by thoſe Members who remain ſtill at *Weſtminſter*, are void & of none effect; And that as many of the Lords and Commons Aſſembled at *Weſtminſter*, as have at any time conſented to the raiſing of Forces under the Command of the Earle of *Eſſex*, or to the making and uſing of the new Great-Seale, or to the preſent coming of the *Scots* into *England* in a warlike manner, have therein broken the truſt repoſed in them by their Countrey, and are to be proceeded againſt as Traitors. And yet we are farre from diſſolving or attempting the diſſolution of this Parliament,

liament, or the violation of any Act made and Confirmed by His Majesties Royall Assent this Parliament, which we shall alwaies maintain and defend: Acts of Parliament are only in danger to be destroyed by those who undervalue and despise the Authority and Power of Acts of Parliament, who therefore deny the Kings Negative Voyce, and neglect His Concurrence, that their own Resolutions may be reputed as Acts of Parliament, to the Ruine and Confusion of all Lawes and Interest. It is our griefe in the behalfe of the whole Kingdom, that since the Parliament is not dissolved, the power thereof should, by the Treason and violence of these Men, be so farre suspended, that the Kingdom should be without the fruit and benefit of a Parliament, which cannot be reduced to any Action or Authority, till the Freedom and Liberty due to the Members be restored and admitted; and they who oppose this, must be only looked upon as the Enemies to Parliament: in the mean time we neither have or shall attempt any thing for the adjourning, dissolving or proroguing thereof, otherwise, then as it may stand with the Act in that case provided.

Lastly we declare, That our endeavours, actions, & resolutions tend, and are directed, and shall alwayes be directed, to the maintenance of Gods true Religion, established by Law within this Kingdome; to the defence of His Majesties sacred Person, His Honour and just Rights; to the preservation of the Liberty and Property of the Subject, setled, and evident by the Lawes, Statutes and Customes of the Realme; and the just freedome, Liberty and Priviledge of Parliament; and that what we shall doe for the defence and maintenance of all these, proceeds from the conscience of our duty to God, our King and

Countrey, without any private and ſiniſter ends of our owne, and out of our ſincere love to truth and Peace, the which as we have, ſo we ſhall alwayes labour to procure, as the onely bleſſed end of all our labours. And we doe therefore conjure all our Countrey-men and fellow Subjects, by all thoſe pretious obligations of Religion to God Almighty, of Loyalty towards their Soveraigne, of affection towards one another, and of charity and compaſſion towards their bleeding Countrey, to aſſiſt and joyne with us in the ſuppreſſing thoſe Enemies to Peace, who are ſo much delighted with the ruine and confuſion they have made, that they will not ſo much as vouchſafe to Treat with us, that all ſpetious pretences might be taken away, and the grounds of this bloody Contention clearly ſtated to the World. If theſe men, with a true ſenſe and remorſe of the ill they have done, ſhall yet returne to their duty and loyalty, they ſhall (God willing) find us of another temper towards them, then they have been towards us; and if the conſcience of their duty ſhall not draw all our fellow Subjects and Country-men to joyne with us in aſſiſting His Majeſty, we hope that the prudent conſideration (that 'tis impoſſible to reaſon, for our miſerable Country ever to be reſtored to Peace and happineſſe, but by reſtoring all juſt and legally due power and authority into His Majeſties Hands againe,) will direct them what is fit to be done by them. And if any yet ſhall be ſo unſkilfull, and to ſay no worſe, vulgar ſpirited, to hope by a Neutrality and odious indifferency, to reſt ſecure in this ſtorme, though we ſhall not follow the examples of other men, in telling them, That their Eſtates ſhall be forfeited and taken from them, as pernitious and publique Enemies, (God be thanked) the Law is not ſo

ſuppreſt,

ſuppreſt, but that it proceeds in Attainders and Forfeitures, and all men know an Eſtate Eſcheated to His Majeſty by high Treaſon, is as much, as legally His Majeſties, or his to whom His Majeſty grants it, as ever it was the unhappy Perſons who hath ſo forfeited it; yet we muſt let them know, that their condition is like to be very dangerous; and that as they (for reſiſtance of whom His Majeſties Armies are raiſed) have declared to them what they are to expect at their hands, that is, to be dealt with as pernitious and publique Enemies; So they have reaſon to believe, that His Majeſty cannot look upon them as Perſons who have performed that duty they are obliged by their naturall Allegiance, and their Oathes enjoyned by Law, which is, *to defend the King to the utmoſt of their Power, againſt all conſpiracies and attempts whatſoever, which ſhall be made againſt His Majeſties Perſon, His Crowne and Dignity, and to doe their beſt endeavours to diſcloſe and make knowne to Him all Treaſons and Conſpiracies which ſhall be againſt Him; to their power to aſſiſt all Juriſdictions, Priviledges, Preheminences and Authorities belonging to Him, or united to the Imperiall Crowne of this Realme.* The juſt and pious conſideration and weighing of which Oath and obligation, muſt ſtirre up all men of Loyalty and Conſcience, to be induſtrious and active on His Majeſties behalfe againſt this horrid and odious Rebellion, and againſt the Authors and Fomenters of the ſame. And we are confident it will not a little encreaſe the Indignation of all good true Engliſhmen, to find theſe diſturbers of their Peace, who have ſo ſpeciouſly pretended the defence of the Rights and Priviledges of Parliament, unite themſelves with, and governe their Actions by the concurrent advice and conſent of Commiſſioners

of another Kingdome, whose businesse is to alter our Lawes, and confound our Government. And if all the other particulars so plainly set downe in this Declaration, and so publiquely knowne to most men, were wanting, there could not be a greater instance of deserting the Dignity and Right, and as much as in them lies, cancelling all the Liberties and Priviledges of Parliament, then for these men to break the trust reposed in them by their Countrey, and to submit themselves to the advice, and oblige themselves to the consent of Agents of another Kingdome, who have cast off their Allegiance, and united themselves together against their naturall and native King, and against the Lawes of both Kingdomes, and have given an ample testimony to all those they have misled, how farre they are from submitting or intending to be governed by Parliament, or by those who would yet be thought the two Houses of Parliament, by joyning foure *Scotchmen* (Agents for that Rebellious Army which hath invaded this Kingdom) in equall power and authority with seven Lords and foureteen Commons, by whose sole and uncontrolled managery and consent, all businesse of Peace and Warre, which do or may concerne this languishing Kingdom, must be governed. And yet these men take it very Haynously, that His Majesty should move them in order to Peace, to agree that all the Members of both Houses may securely meet in a full and free Convention of Parliament; because (they say) *from thence no other conclusion can be made, But that this present Parliament is not a full nor free Convention, and that to make it such the presence of us is necessary.* We must appeale to all the World, whether in truth that conclusion be not very apparent from the truth of their proceedings, and even to

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the Conſciences of theſe men themſelves; whether whilſt we were amongſt them, we enjoyed that liberty and freedom which was due to us, and whether (if there were no danger or breach of duty in being willingly and conſtantly preſent where Actions of Treaſon are Plotted and concluded) we could now be with them without engageing our ſelues in that Covenant, which has it takes away all freedom and liberty of Councell, ſo cannot be taken without the violation of our duty and Allegiance. For the deſerting the great truſt repoſed in us; we cannot with the leaſt colour be accuſed; we wiſh it had not been, or were not now broken on their parts, on ours we are ſure it is not; except obſervation of our Oathes lawfully taken and enjoyned, and ſubmiſſion to the known eſtabliſhed Lawes of the Land, the preſervation of which is our greateſt truſt, be to deſert the Truſt repoſed in us: What they have done, who have broken through all theſe, and will not at laſt conſent to the binding up the wounds they have made, we muſt leave to the world to judge. In the mean time, ſince 'tis apparent they uſe their utmoſt endeavours to make Peace impoſſible, and (having enriched themſelves by theſe publique Calamities, and impoveriſhed their Countrey by the tranſportation of the wealth thereof into Forraigne Parts) have left themſelves no other meanes to repay thoſe vaſt Summes they have extorted from the People upon that they call *Publique Faith*, but out of the Eſtates of thoſe who have preſerved their duty and Loyalty entire, and at the prize of their Religion and Lawes intend to eſtabliſh a Government and Empire to themſelves, all good men who deſire Peace will joyne with us in the ſuppreſſing theſe Enemies of Peace, and by a Reſolute and unanimous Declaration

of

of themſelves, riſe as one Man in the aſſiſtance of His Majeſty, with their Perſons and their Fortunes, which is the onely meanes, with Gods bleſſing, to reſtore and preſerve the Religion, Lawes and Liberties of the Kingdome, and the very being of Parliaments; the which if theſe men have any mind to doe (it being not ſo eaſily to be done any other way) they will at laſt be willing, that all the Members of both Houſes may meet in a full and free Convention of Parliament, which we have alwayes deſired, and ſhall be alwayes ready to doe.

HIS

HIS MAIESTIES

Meſſage to both Houſes,
Aprill 12. 1643.

CONCERNING DISBANDING of both Armies, and His MAJESTIES *returne to both Houſes of* Parliament.

TO ſhow to the whole World how earneſtly His Majeſty longs for Peace, and that no ſucceſſe ſhall make him deſire the continuance of His Army to any other end, or for any longer time then that, and untill things may be ſo ſetled, as that the Law may have a full, free, and uninterrupted courſe, for the defence and preſervation of the Rights of His Majeſty, both Houſes, and His good Subjects.

1. As ſoon as His Majeſty is ſatisfied in His firſt Propoſition concerning His own Revenue, Magazines, Ships, and Forts, in which He deſires nothing but that the Juſt, Known, Legall Rights

of His Majeſty (devolved to Him from His progenitors) and of the Perſons truſted by Him, which hath violently been taken from both, be reſtored unto Him and unto them, unleſſe any juſt and Legall exceptions againſt any of the Perſons truſted by Him (which are yet unknown to His Majeſty) can be made appeare to Him.

2. As ſoon as all the Members of both Houſes ſhall be reſtored to the ſame capacity of ſitting and Voting in Parliament, as they had upon the firſt of *January*, 1641. the ſame of right belonging unto them by their Birth-Rights, and the free Election of thoſe that ſent them, and having been Voted from them for adhering to His Majeſty in theſe diſtractions. His Majeſty not intending that this ſhould extend either to the Biſhops, whoſe Votes have been taken away by Bill, or to ſuch in whoſe places upon new Writs new Elections have been made.

3. As ſoon as His Majeſty and both Houſes may be ſecured from ſuch tumultuous Aſſemblies, as to the great breach of the Priviledges, and the high diſhonour of Parliaments, have formerly aſſembled about both Houſes, and awed the Members of the ſame, and occaſioned two ſeverall complaints from the Lords Houſe, and

two ſeverall deſires of that Houſe to the Houſe of Commons, to joyne in a Declaration againſt them, the complying with which deſire, might have prevented all theſe miſerable diſtractions which have enſued. Which ſecurity His Majeſty conceives can be only ſetled by adjourning the Parliament to ſome other place, at the leaſt twenty miles from *London*, the choyce of which His Majeſty leaves to both Houſes.

His Majeſty will moſt cheerfully and readily conſent that both Armies be immediatly disbanded, and give a preſent meeting to both His Houſes of Parliament at the time and place, at and to which the Parliament ſhall be agreed to be adjourned.

His Majeſty being moſt confident, that the Law will then recover the due credit and eſtimation, and that upon a free debate in a full and peaceable convention of Parliament, ſuch proviſions will be made againſt ſeditious Preaching and Printing againſt His Majeſty, and the eſtabliſhed Lawes, which hath been one of the chief cauſes of the preſent diſtractions; and ſuch care will be taken concerning the Legall and known Rights of His Majeſty, and the Property and Li-

berty of His Subjects, that whatsoever hath been publisht or done in or by colour of any illegall Declaration, Ordinance, or Order of one or both Houses, or any Committee of either of them, and particularly the power to raise Armes without His Majesties consent, will be in such manner recalled, disclaimed and provided against, that no seed will remain for the like to spring out of for the future, to disturbe the Peace of the Kingdom, and to endanger the very being of it.

And in such a convention His Majesty is resolved by His readinesse to Consent to whatsoever shall be proposed to Him by Bill for the Reall good of His Subjects, (and particularly for the better discovery and speedier conviction of Recusants, for the Education of the Children of Papists by Protestants in the Protestant Religion, for the prevention of practices of Papists against the State, and the due execution of the Lawes, and true levying of the penalties against them) to make known to all the World, how causeless those feares and jealousies have been, which have been raised against Him, and by that so distracted this miserable Kingdome. And if this offer of His Majesty be not consented to, (in which He askes nothing for which there is not

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apparant Juſtice on His ſide, and in which He deferres many things highly concerning both Himſelfe and People, till a full and Peaceable Convention Parliament, of which in Iuſtice He might now require) His Majeſty is confident that it will then appeare to all the World, not only who is moſt deſirous of Peace, and whoſe fault it is that both Armies are not now disbanded, but who have been the true and firſt cauſe that this Peace was ever interrupted, or theſe Armies raiſed; and the beginning or continuance of the Warre, and the deſtruction and deſolation of this poor Kingdom (which is too likely to enſue) will not, by the moſt intereſſed, paſſionate or prejudicate Perſon, be imputed to His Majeſty.

HIS MAIESTIES *MESSAGE TO BOTH* Houſes *May* 19. in purſuance *of the foregoing Meſſage.*

SINCE His Majeſties Meſſage of the twelfth of *Aprill* (in which He conceived He had made ſuch an Overture for the immediat Diſbanding of all Armies, and Compoſure of theſe preſent miſerable diſtractions, by a full and free convention in Parliament, that a perfect and ſetled Peace would have enſued) hath in all this time (above a full Moneth) procured no Anſwer from both Houſes, His Majeſty might well believe Himſelfe abſolved before God and Man, from the leaſt poſſible

ſible Charge of not having uſed His utmoſt endeavour for Peace; yet when He conſiders that the Scene of all this Calamity is in the Bowells of His own Kingdom, that all the Blood which is ſpilt is of His own Subjects, and that what victory ſoever it ſhall pleaſe God to give Him, muſt be over thoſe who ought not to have liſted up their hands againſt Him; When He conſiders that theſe deſperate civill Diſſentions may encourage and invite a forraigne Enemy to make a Prey of the whole Nation; That *Ireland* is in preſent danger to be totally loſt; That the heavy judgements of God, Plague, Peſtilence and Famine, will be the inevitable Attendants of this unnaturall Contention; And that in a ſhort time, there will be ſo generall a habite of uncharitableneſſe and Cruelty contracted throughout the Kingdome, that even Peace it ſelfe will not reſtore His People to their old Temper and Security; His Majeſty cannot but againe call for an Anſwer to that His Meſſage, which gives ſo faire a Riſe, to end theſe unnaturall Diſtractions. And His Majeſty doth this with the more earneſtneſſe, becauſe He doubts not the condition of His Armies in ſeverall parts, His ſtrength of Horſe, Foot and Artillery, His Plenty

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of Ammunition (which ſome men lately might conceive he wanted) is ſo well known and underſtood, that it muſt be confeſſed, that nothing but the tenderneſſe and Love to His People, and thoſe Chriſtian Impreſsions which alwayes have, and He hopes alwayes ſhall dwell in His Heart, could move Him once more to hazard a Refuſall. And He Requires them as they will anſwer to God, to Himſelfe, and all the World, That they will no longer ſuffer their fellow Subjects to welter in each others Blood; That they will remember by whole Authority, and to what end they met in that Councell, and ſend ſuch an Anſwer to His Majeſty as may open a Doore to let in a firme Peace and Security to the whole Kingdom. If His Majeſty ſhall againe be diſappointed of His Intentions herein, the Blood, Rapine and Diſtraction, which muſt follow in *England* and *Ireland*, will be caſt upon the Accompt of thoſe who are deafe to the motion of Peace and Accommodation.

FINIS.

A MOST

MIRACULOUS

AND

HAPPY VICTORY

Obtained by *James Chidleigh* Serjeant Major Generall of the forces under the E. of *Stamford*, against Sir *Ralph Hopton* and his Forces.

Who with 108. Horſe did rout and put to flight 5000. Foot and 500. horſe, tooke divers priſoners, arms Enſignes their Standard, with a Port-mantell of Letters Warrants and privy Seales, with many remarkable Paſſages concerning the ſame.

As alſo a Letter to Sir RALPH HOPTON with a command ſigned *C. R.* written upon a ſilken cloth.

Printed this 29. *Aprill*, for *R. D.* 1643.

BIBLIOTHECA · BODLEIANA ·

A MOST MIRACULOUS AND Happy Victory,

Obtained by *James Chudleigh* Serjeant *Major* Generall of the *Forces*, under the Earle of *Stamford*, againſt Sir *Ralph Hopton*, and his Forces.

SIR,

HAving ſuch good newes in our weſterne parts, cannot but impart it to you, knowing that you will bleſſe God, and rejoyce with us for it. We eſcaped a great danger by the intollerable neglect of our Deputy Scout-Maſter, and had like to have beene ſurpriſed: ſo that Colonell *Chudleigh* was forced to a deſperate charge, whereby he hath wonne immortall Fame by his diſcreet and valient carriage in this buſineſſe: hee drew out of the Towne of *Okehampton* one hundred and eight Horſe,

and brought them into a forme fit for that ground, which was undiſcerned by the Enemy, wee lying cloſe as an Ambuſcadoe under the ſide of the Hill, and by many ſmall Diviſions with great ſpace betwixt, wee ſpread more ground then the Enemies whole body, and being come within Carbine ſhot, wee charged him throughly altogether, and routed his whole Army, and chaſed him to his very Reare about three miles: but we being mixt in ſo vaſt a body, (for the Enemy had five hundred Horſe, and Dragoones, and five thouſand Foot, fiftie ſeven Colours as the Priſoners confeſſe) and with a multitude though routed, yet forced to defend themſelves with the Butt end of their Muſquets, and Swords, ſo that indeed our Van was thin and diſordered: divers of our Souldiers deſerted us, they were commanded to throw away their match to avoyde the Enemies Diſcovery of their Rout, and ſticking the ends of them in the Furſes, the Enemy ſuppoſed our body to bee there, this was done in the night. There are ſome Priſoners taken, three Colours, one Standard, twelve Drummes, ſome hundreds of Muſquets and Pikes: ſeven barrells of Powder, and many other good things: had not the Horſe gone a plundering much more might have beene done by ſuch a handfull of Forces; the Lord *Mohuns*, and Sir *Nicholas Slanning* eſcaping very hardly, one of them being taken and ſtript, and not being knowne was let goe, the other being taken by the Scarfe, but being well horſed got away.

We have taken baggs of Letters, Bookes of Accompts, Privy Seales for monies to bee lent by many of the Coyntry men, and other things that doe diſcover their wicked purpoſe, as you may in part perceive by thoſe directions how he ſhould ſteare his Courſe. Wee loſt not one man in this Service: So few hurt: it is to be admired how God preſerved our men: to him be the praiſes, for his owne hand hath done it.

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The truth for so much as is written is not to bee doubted, for I have it from Colonell *Chudleigh*: and the Captaines who are all come to the City *Exon* this Evening, and the Enemy left, with his Forces not slain, nor run away is returned into *Cornewall*.

Exon, 26. *Aprill*, 1643.
past 12. *a clock at night.*

The Copy of a Letter sent from the Deputy Lievtenants of *Devon*, to the *County* of SOMERSET.

THe Ceſſation and fruitles endeavours of the Treaty for peace, between us and the treacherous *Corniſh* being ended, on Saturday laſt ſome of our forces upon intelligence of advantage, entred *Cornwall* one Sunday the 23. of *Aprill*, late downe before *Launceſton* about nine in the morning, made and maintained brave aſſault till 10. at night: But the worke proving more difficult then was expected by reaſon of freſh ſupplies that came to them, our men having much anoyed the enemy by killing Captain *Baſſet*, and ſome others of quality, with a conſiderable number of Common ſouldiers, with the loſſe of ſome few common Souldiers, made ſo brave and ſo honourable a retreat, that they brought off all their Men, Ammunition, and Guns late, made good the paſſages, ſo that the enemie durſt not advance over the Bridge, till they were ſafe in their Quarters.

On *Munday* they marched to *Okehampton*, for the better recruting of their Forces.

On Tueſday the Enemy entred *Devon*, came within foure miles of *Okehampton*, which being known to our Forces, they preſently drew out their Horſe to face them, and in the cloſe of that day gave them a brave Charge through and through, put both their Horſe and Foote into confuſion, and ſlew divers of their men: an ample Relation whereof you ſhall here annexed receive. The morrow after our Forces whealed towards *Exon*, with their Priſoners and Artillery, who are come ſafe hither. It is ſuſpected the Enemy will ſhortly endeavour to invade your Country, as may appeare

peare by the direction given him from *Oxford*, which we have ſo alſo ſent you, and doe thereto deſire you to take the preſent State of things and into your conſideration, that we may enjoy the mutuall ayde one of the other for the preventing of the Enemies paſſage, which we ſhal endeavour to joyn with you in not doubting but by Gods aſsiſtance to ſuppreſſe their Force, and ſubdue their power.

This was taken in a PORT-MANTLE, of one that was ſlaine at OKEHAMPTON,

Amongſt many other Papers, is was written upon a Silken Cloath, which we have.

SIR.

IT ſo much importes His Majeſties ſervice, and the preſervation of His Forces under your Command, that you march preſently nearer to his Army, to bee within the aſsiſtance and reach of the places, where his Forces are Quartered, as hee hath commanded mee to ſignifie to you his pleaſure, that all other conſiderations, ſet aſide, you forthwith repaire with all your Forces to EXETER, and from thence as faſt as you can with ſafetie into *Somerſetſhire*, and as ſoone as you ſhall bee come ſo neere, as that His Majeſties Horſe may come conveniently to you. His Majeſtie will ſend ſome ſtrength to bring you where the Quarters of your Forces and His Majeſties, may bee able and ready to aſsiſt and ſtrengthen each other: For your punctuall ſecurity, and the better ſuppreſsing of ſuch ſtrength; as is practiſing to be raiſed in *Somerſet*, *Glocester*, and *Wilts*, by the Rebels who are bent with much violence and cruelty againſt you, as his Majeſtie is credible advertiſed.

C. R.

C. R.

OVr Command is that you use your best diligence to Horse all your Foot, both Musketiers and Pikes, as Dragoones, that they March to us, with the more ease, speed and safety; this the Rebells doe, by sweeping all the Commons where they come, and wee authorise you to doe as much.

FINIS.

ANNO REGNI

CAROLI

REGIS ANGLIÆ, SCOTIÆ, FRANCIÆ, & HIBERNIÆ, Decimo Septimo.

At the Parliament begun at *Westminster* the third day of November, *An. D.* 1640.

In the 16. yeer of the Reign of our most gracious Soveraign Lord *Charles*, by the grace of God, of England Scotland, France, and Ireland King, Defender of the Faith, &c.

An Act for the confirmation of the Treaty of Pacification between the two Kingdoms of *England* and *Scotland*.

OXFORD,
Reprinted by LEONARD LICHFIELD, Printer to the *University*.
M. DC. XLIII.

C. R.

OVr Command is that you use your best diligence to Horse all your Foot, both Musketiers and Pikes, as Dragoones, that they March to us, with the more ease, speed and safety; this the Rebells doe, by sweeping all the Commons where they come, and wee authorise you to doe as much.

FINIS.

X1

3

ANNO REGNI VI

CAROLI

REGIS ANGLIÆ, SCOTIÆ, FRANCIÆ, & HIBERNIÆ, Decimo Septimo.

At the Parliament begun at *Westminster* the third day of November, *An. D.* 1640.

In the 16. yeer of the Reign of our most gracious Soveraign Lord *Charles*, by the grace of God, of England Scotland, France, and Ireland King, Defender of the Faith, &c.

An ACT for the confirmation of the Treaty of Pacification between the two Kingdoms of *England* and *Scotland*.

OXFORD,
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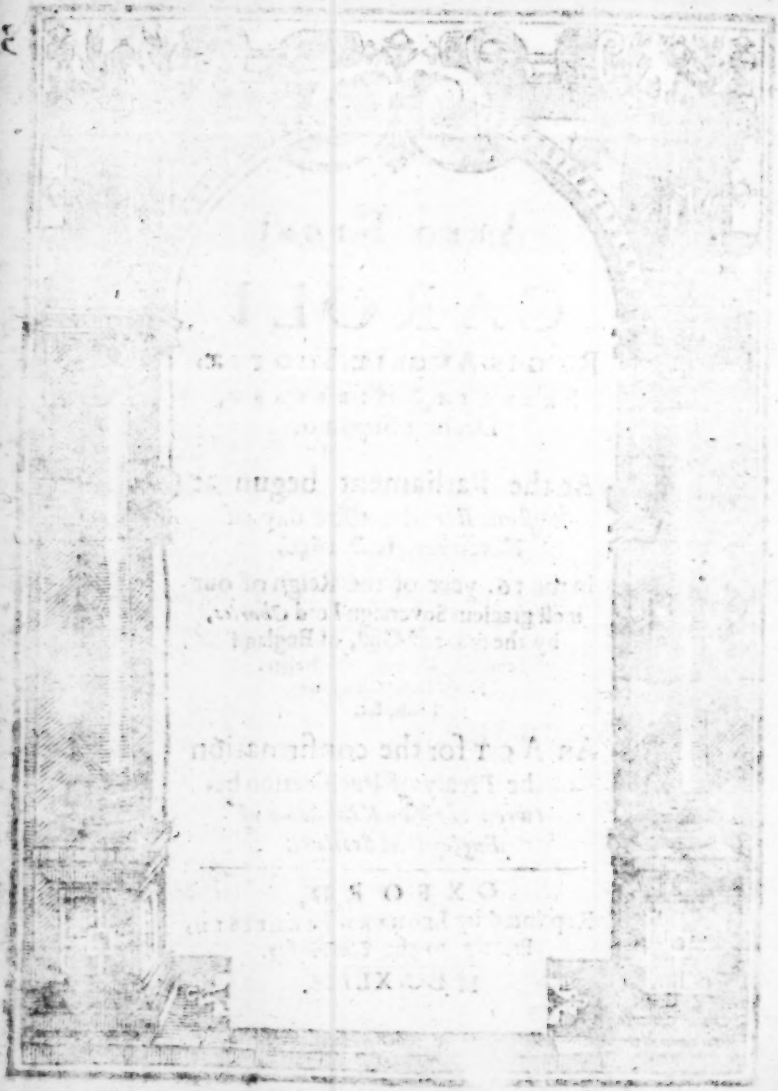
M. DC. XLIII.



ANNO XVII.
CAROLI REGIS.

¶ An Act for the confirmation of the Treaty of Pacification between the two Kingdoms *of* ENGLAND *and* SCOTLAND.

WHEREAS by His Majesties Royall Wisdome and Princely care of the Peace and happinesse of His Majesties Dominions, a Treaty hath been appoynted for removing of all Differences raised betwixt the two Kingdoms, and betwixt the King and His Subjects of *Scotland*, and for setling and assuring a firm and blessed Peace for all time to come, and a Commission hath been given under the great Seal of *England*, with approbation of both Houses of Parliament, bearing date the three and twentieth day of *November*, in the

sixteenth yeare of His Majesties reign, and in the words following.

HARLES,

By the grace of GOD, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c. To Our right trusty and right welbeloved Cousins, *Francis*, Earle of Bedford, *William*, Earle of Hertford, *Robert*, Earle of Essex; and to Our right trustie and right welbeloved Cousin and Counsellour, *William*, Earle of Salisbury; and to Our right trusty and right welbeloved Cousin, *Robert*, Earle of Warwick; and to Our right trusty and right welbeloved Cousin, *John*, Earle of Bristol; and to Our right trusty and right welbeloved Cousin and Counsellour, *Henry*, Earle of Holland; and to Our right trusty and right welbeloved Cousin and Counsellour, *Thomas* Earle of Berks; and to Our right trusty and welbeloved, *Philip* Lord *Wharton*, *William* Lord *Paget*, *Edward* Lord Kimboulton, *Robert* Lord *Brooke*, *Iohn* Lord *Powlet*, *Edward* Lord *Howard* of Escrick, *Thomas* Lord *Savile*, and *Francis* Lord Dunsmore, Greeting.

Whereas

WHereas diverſe of Our Subjects of *Scotland*, have by their ſeverall Petitions humbly beſought Us, that We would be gratiouſly pleaſed to grant unto them certain Demands; We repoſing ſpeciall truſt and confidence in your wiſdoms and fidelities, have named, aſsigned, and appointed you, and by theſe preſents do name, aſsigne, and appoint you to be Our Commiſsioners; And do hereby give and grant unto you, or any ten or more of you, full power and authority, to treat with *John* Earle of Rotheſs, *Charles* Earle of Dunfermeling, *Iohn* Lord Lowden, Sir *Patrick Hepburne* of Waughtone, Sir *William Douglas* of Cavers, *William Drummond* of Riccarton, *Iohn Smith* Bailiffe of Edenborough, *Alexander Wedderburne* Clerk of Dundy, *Hugh Kennedy* Burgeſſe of Aire, *Alexander Henderſon*, and *Archibald Johnſton*, or any of them, or any others deputed or to be deputed by Our ſaid Subjects of *Scotland*, or nominated or to be nominated on their behalf, and to take into your ſerious conſideration the ſaid Demands, and compoſe, conclude, and end all differences ariſing thereupon, or otherwiſe, as you, or any ten or more of you in your wiſdomes ſhall think fit, and whatſoever you Our ſaid Commiſsioners, or any ten or more of you ſhall do in the premiſes, We

do by theſe preſents ratifie and confirme the ſame.

In witneſſe whereof, We have cauſed theſe Our Letters to be made Patents: Witneſſe Our ſelf at Weſtminſter *the three and twentieth day of November, in the ſixteenth year of Our Raigne.* Per ipſum Regem.

And in like manner a Commiſſion hath been granted by the Committees of the Parliament of *Scotland*, bearing date the laſt of *October*, and fourth dayes of *November*, 1640. years, and in the words following.

WE the Commiſsioners of the Parliament of *Scotland*, being a full number of both the Quorums thereof, under ſubſcrivand.

Forſomikell as the Kings Majeſty Our dread Soveraign hes been gratiouſly pleaſed upon our humble ſupplications to appoint ane Treatie and Conference at *Rippon* betwixt our Commiſsioners, choiſen and ſent by us for that effect, and ane number of the Peers of *England*, who accordingly met, and have accorded upon certain Articles, as well anent the maintenance of our Army, as anent the Ceſſation of Armes during the Treaty: And becauſe the time for the enſuing Parliament of *England* could not permit the Treaty to come to the wiſhed concluſion there: His Majeſty was therefore likewiſe pleaſed to transferre the

the ſaid Treaty to *London*, where the Parliament is to hold, that there theſe intruſted by His Majeſty and the Eſtates of Parliament, may have the better time and place to treat and conclude thereanent. Therefore we the ſaid Commiſsioners, being a full number of both Quorums thereof under ſubſcrivand, be vertue and conforme to the Commiſsion granted to us by the Eſtates of Parliament, do not only approve the ſaid Articles already agreed upon and ſubſcribed by our ſaid Commiſsioners at *Rippon*, but alſo doe give by theſe preſents full Power, and Warrand, and Commiſsion to *John* Earle of *Rotheſs* Lord *Leſly*, *Charles* Earle of *Dunfermeling*, Lord *Urguhart* and *Fivie*, *John* Lord *Lowdon*, Sir *Patrick Hepburn* of *Waughton*, Sir *William Dowglas* of *Cavers*, *William Drummond* of *Riccartone*, *John Smith* of *Edenburgh*, Maſter *Alexander Wedderburn* of *Dundy*, and *Hugh Kennedy* of *Aire*, as Members of the Eſtairs of Parliament; and becauſe many things may occur concerning the Church and Aſſemblies thereof, therefore beſides theſe of the Eſtates, we nominate and appoint Maſter *Alexander Henderſon*, and Maſter *Archbald Johnſton*, whom we adjoyn for that effect, with full power to them or any ſevin of them, there being alwayes two of every Eſtate, to paſſe to the ſaid City of *London*, and there, or at any other place

conveni-

convenient (mutually to be agreed upon) to meet and convene with any who ſhall be appointed by His Majeſty and Eſtates of Parliament of *England* for the foreſaid Treaty: Give and, grantand, and committand, like as we by theſe preſents gives, grants, and commits to them in manner aforeſaid, full Power, Warrant and Commiſsion, to Treat, Conſult, Adviſe, Determine and Agree, as well anent the ſatisfying and granting of our Demands, as in obtaining and ſecuring a ſetled Peace for all time coming, conform to the Inſtructions given to them herewith, or whilk ſhall be ſent to them hereafter, by us, or any one of the ſaid Quorums at the Camp, or *Edenburg* thereanent, with power to them as ſaid is, to do every thing which may conduce for the better and eaſier obtaining of our ſaid Demands, and eſtabliſhing a ſetled Peace, conform to the ſaid particular Inſtructions, in ſuch like manner as we might do, if we were all perſonally preſent our ſelves in full number: Promiſing to hold firm and ſtable all and every thing our ſaid Commiſsioners in manner foreſaid ſhall doe in the Premiſſes conform to the ſaid Inſtructions: And in caſe it ſhall be found expedient or neceſſary, to adde any more Commiſsioners to the foreſaid Perſons, theſe who ſhall ſo be ſent, authorized under our hands, or the full number of any of the ſaid Quorums,

rums, ſhall have a like Power and Commiſsion be vertue of theſe preſents with the forenamed Commiſsioners, in ſike like manner as if their names were particular expreſſed herein.

In witneſſe whereof thir preſents are ſubſcribed at Newcaſtle *and* Edenburgh, *the laſt of October and fourth of November* 1640 *years.* Rothes, Montroſe, Caſſellis, Lothian, Lindeſay, Balmerino, Naper, Burghly, Es Couper, Thomas Hop, W. Riccarton, Home, W. Caprinton, I. Gartgirth, Dundas, Edward Edgar, Richard Maxwell, Iames Scott, Porterfield, W. Hamilton, *Maſter* William Moir, Ia. Sword, Hew. Kennedy, Rutherford.

And for as much as by vertue of the ſaid Commiſſions, the Commiſſioners therein authorized have at length treated, and by the aſſiſtance and bleſſing of God have agreed upon the heads and Articles following.

¶ *Articles of the large Treaty concerning the eſtabliſhing of the Peace betwixt the Kings Majeſty and His People of* Scotland, *and betwixt the two Kingdomes, agreed upon by the Engliſh and Scottiſh Commiſsioners at the City of Weſtminſter the ſeventh day of Auguſt,* 1641. *The Scottiſh Commiſsioners having given in the Declaration following,* viz.

WE doe ſtill in all loyalty, as becometh humble and dutifull Subjects, acknowledge our dependancy upon His Majeſty as our dread Soveraign, whether His Majeſty live in *Scotland,* or in *England,* and ſhall alwayes, and in all

things witneſſe our high reſpects, and beſt affections to the Kingdom and Parliament of *England*, according to the ſtrong bonds of Nature and Religion; by which the two Kingdoms are joyned under one Head and Monarch; yet as we are fully aſſured that the Kingdome and Parliament of *England* is for the preſent far from any thought of uſurpation over the Kingdom and Parliament of *Scotland*, or their Lawes and Liberties: ſo for preventing the miſunderſtanding of the poſterity, and of ſtrangers, and for ſatisfying the ſcruples of others, not acquainted with the nature of this Treaty, and the manner of our proceedings, which may ariſe upon our coming into *England*, and our Treating in time of Parliament; We doe by theſe declare and make known, That neither by our Treaty with the Engliſh, nor by ſeeking our Peace to be eſtabliſhed in Parliament, nor any other Action of ours, do we acknowledge any dependancy upon them, or make them Iudges to us or our Lawes, or any thing that may import the ſmalleſt prejudice to our Liberties: But that we come in a free and brotherly way, by our informations, to remove all doubts that may ariſe concerning the proceedings of our Parliament, & to joyne our endeavours in what may conduce for the Peace & good of both Kingdomes, no otherwiſe, then if by the occaſion of the King His reſidence in *Scotland*, Commiſſioners in the like exigence ſhould be ſent thither from *England*; Did demand that His Majeſty would be gratiouſly pleaſed to Command that the Acts of the late Parliament may be publiſhed in His Highneſſe Name, as our Soveraigne Lord, with conſent of the Eſtates of Parliament convened by His Majeſties Authority.

Whereunto it is anſwered and agreed, That foraſmuch as the Kings Majeſty, at the humble deſire of His Subjects, did call and convene a Parliament to be holden at *Edenborough* the ſecond day of *Iune* 1640. wherein certain Acts were made and agreed upon: Which Acts His Majeſty (for the Peace and

good

good of His Kingdom) is pleaſed to publiſh in His own name, with the conſent of the Eſtates: And therefore commands that the ſaid Acts, bearing date the eleventh day of *June* 1640. be publiſhed, with the Acts to be made in the next Seſſion of the ſame Parliament, and that all the ſaid Acts, aſwell of the precedent, as of the next Seſſion to be holden, have in all time coming the ſtrength of Law, and to be univerſally received and obeyed by all the Subjects of the Kingdom of *Scotland*.

His Majeſty doth in the word of a King, promiſe the publiſhing of the ſaid Acts, in ſuch ſort as is above ſpecified. As for the manner of publiſhing the ſaid Acts, His Majeſty approves that the Declaration of the Eſtates in the beginning of the Acts, and the concluſion at the end, may be paſſed in ſilence at the publiſhing of the Acts, and left out in the printed copies: And if any thing ſhall further occurre concerning the manner of publiſhing the ſaid Acts, His Majeſties Commiſſioners may then offer it to the Eſtates to be conſidered of, His Majeſty being moſt aſſured, that the Eſtates of Parliament will have a great care, not to ſuffer His Majeſties Authority to be prejudiced in the managing of theſe great affairs. 3. *December* 1640.

The ſecond Demand, That the Caſtle of *Edenburgh*, and other ſtrengths of the Kingdom, ſhould with the advice of the Eſtates of Parliament, according to their foundation, be furniſhed, and uſed for defence and ſecurity of the Kingdom.

Is agreed unto.

The Third Demand, That Scottiſhmen within His Majeſties Dominions of *England* and *Ireland* may be freed from cenſure for ſubſcribing the Covenant, and be no more preſſed with oathes, and ſubſcriptions unwarranted by their Lawes, and contrary to their Nationall Oath and Covenant approven by His Majeſty.

It is thereto answered and agreed in His Majesties name upon *December* 8. 1640. That as His Majesty hath granted your first and second Demand; So we doe now in His Majesties name answer to the third; That all those, who in His Dominions of *England* or *Ireland*, have been imprisoned, forfeited, or censured any other way, for subscribing of the Covenant, or refusing to take any other oath, contrary to the same, shall be freed of those censures, and shall be fully restored to their liberties, estates and possessions. And for the time coming, That the Subjects of *Scotland*, as Subjects of *Scotland*, shall not be constrained to any oath contrary to the Lawes of that Kingdom, and the Religion there established. But such of the Kingdome of *Scotland*, as shall transport themselves into the Kingdoms of *England* or *Ireland*; and there be setled Inhabitants, either by way of having Inheritance or Free-hold, or by way of setled Trades (by which the way of trading of the Factors of Merchants, nor of Merchants themselves is not to be understood) shall be subject to the Lawes of *England* or *Ireland*, and to the Oathes established by the Lawes & Acts of Parliament in the said Kingdoms respectively, wherein they live and have their ordinary and constant residence, and not otherwise, and the English and Irish shall have the like priviledge in *Scotland*, *December* 8. 1640.

To the fourth Demand, Craving that His Majesty may be graciously pleased to declare, as an Act of His Royall justice, serving much to His own Honour for the establishing of His Throne, and for the good and peace of both Kingdoms, That whosoever shall be found upon tryall and examination by the Estates of either of the two Parliaments, (they judging against the persons subject to their own authority) to have been the authours and causers of the late and present troubles & combustion, whether by labouring to make and foment division

betwixt

betwixt the King and His People, or betwixt the two Nations, or any other way, ſhall be lyable to the Cenſure and Sentence of the ſaid Parliaments reſpectively conform to the paper of *December* 9. 1640.

It is anſwered upon the eleventh of *December* 1640. That His Majeſty believeth, that he hath none ſuch about him, And therefore concerning that poynt he can make no other Declaration, then that he is juſt, and that all His Courts of Iuſtice are free and open to all men, His Parliament in this Kingdome is now ſitting, and the current Parliament of *Scotland* neer approaching the time of their meeting, To either of which he doth not prohibit any of His Subjects to preſent their juſt grievances, or complaints of whatſoever nature, each medling and judging againſt the perſons ſubject to their own authority, 11: *December* 1640.

It is further anſwered upon the ſaid eleventh of *Decem.* 1640. 1641. to the fourth Demand concerning Incendiaries, That His Majeſty believeth He hath none ſuch about Him, Therefore concerning that point, He can make no other Declaration, then that He is juſt, and that all His Courts of Iuſtice are free and open to all men, His Parliament in this Kingdom is now ſitting, and the current Parliament in *Scotland* neer approaching the time of their meeting: In neither of which reſpective, he doth not prohibite the Eſtates to proceed in trying and judgeing of whatſoever of His Subjects.

And whereas it was further demanded, That as His Majeſty would not hinder any of His Subjects to be tryed and judged by the Parliament, ſo that none after the Sentence of the Parliament ſhould have acceſſe to His Majeſty, or be maintained or enioy places or offices, and have credit or authority to informand adviſe His Maieſty conform to the paper of *Decemb.* 23. 1640.

It is declared in His Maieſties name upon *Decem.* 30. 1640.

1641. beſide His Maieſties former anſwer, His Maieſty hath commanded us to declare in His name, That he will not imploy any perſon or perſons in Office or place, that ſhall be iudged incapable by Sentence of Parliament, nor will he make uſe of their ſervice without the conſent of Parliament, nor grant them acceſſe to His perſon, whereby they may interrupt or diſturbe that firme peace which he now ſo much deſireth; He being confident that they will proceed in a faire and iuſt way, and according to their ſeverall profeſſions, with that reſpect to His Honour, which in reaſon he may expect from good and dutifull Subiects. 30. *December* 1640.

The fifth Demand, That their Ships and goods, and all dammage thereof may be reſtored.

Is condeſcended unto, and to be reciprocall, that all ſhips and goods taken at Sea or ſtayed in Ports with dammage, be reſtored on both ſides, and that ſome ſummarie courſe be agreed upon for the performance thereof upon the demands of the particulars on both ſides conform to the paper of *December* 30. 1640.

And further, it was agreed upon the ſeventh of *Ianuary*, 1640. 1641. That all Ships taken and ſtaid ſhould be reciprocally reſtored on both ſides; and that the Scottiſh Commiſſioners, having informed that about fourſcore ſhips of Scotland are yet ſtaid in the Ports, and are like to ſuffer much farther loſſe and dammage, if they ſhall not be delivered into ſome hands who may have care of them; It is agreed for the more ſpeedy expeding of the Scotch ſhips, and that the owners thereof be not longer damnified by the want of them, That Warrants ſhall be preſently granted, for delivery of all their ſhips, and that four thouſand pounds be preſently advanced for caulking, Sail, Cordage and other neceſſaries for helping the preſent ſetting forth of the ſaid ſhips, and for the reſt of this Article when

it

it ſhall come in the ſixt demand, it ſhall be agreed unto, *Septimo Ianuarii*. 1640. 1641.

To the ſixth Demand, concerning the loſſes which the Kingdom of *Scotland* hath ſuſtained, and the vaſt charges they have been put unto, by the occaſion of the late troubles, and the reparations deſired from the Iuſtice and kindneſſe of the Kingdom of *England* toward reliefe thereof in manner and upon the grounds expreſſed in the paper of the ſeventh of *Ianuary*. 1640. 1641.

It is anſwered, That this Houſe thinks fit that a friendly aſſtance and relief ſhall be given towards ſupply of the loſſes and neceſſities of the Scots, and that in due time this Houſe will take into conſideration the meaſure and manner of it, conform to the paper of the two and twentieth of *Ianuary*, 1640. 1641.

And further, The Parliament upon the third of February did declare, That they did conceive that the Sum of three hundred thouſand pounds is a fit proportion of that friendly aſſiſtance and reliefe formerly thought fit to be given towards ſupply of the loſſes and neceſſities of their brethren of *Scotland*, and that the houſe would in due time take into conſideration the manner how, and the time when the ſame ſhall be raiſed, conforme to the paper of the third of *February*, 1640. 1641. and given into the Treaty upon the fifth thereof.

And whereas it was deſired by the *Scottiſh* Commiſſioners, that the *Engliſh* Commiſſioners would let them know from the Parliament, the Security, manner and termes of payment of the foreſaid ſumme of three hundred Thouſand pounds, and of the arreares due for the reliefe of the Northern Counties.

It was agreed unto by warrant and Order of the Parliament, That they ſhould have fourſcore thouſand pounds, as a part of the foreſaid ſum of three hundred Thouſand pounds, with the whole arrears due to the Army before the disbanding thereof,

conforme

conforme to the paper of the 26. of *May* 1641. and given into the Treaty the 27. of the ſaid Moneth.

And concerning the ſecurity for payment of the remanent of the ſaid ſum of three hundred Thouſand pounds, which is Arrear, extending to two hundred and twenty thouſand pounds; It is reſolved and agreed unto by both Houſes of Parliament, That an Act of Parliament of Publike Faith ſhall paſſe for ſecurity thereof, And that one moiety or equall half of the ſame extending to one hundred and ten thouſand pounds ſhall be paid at Midſommer in *Anno.* 1642. And the other moiety or equall half to be paid at Midſommer in *Anno.* 1643. as the Order of the Houſe of Parliament of the 19. and 25. daies of *Iune* 1641. do more fully purport.

And in like manner, whereas it was deſired by the Scottiſh Commiſſioners, that they might know to whom they ſhould addreſſe themſelves for payment of the ſums at the dayes appoynted by the Parliament, conforme the Parliaments determination of the nineteenth of *Iune:* Secondly, at what place the payment ſhould be made: Thirdly, that a ſafe Conduct may be granted for the ſecure tranſporting of the monies to Scotland, at the termes of payment agreed upon.

It is Anſwered, and reſolved by the Parliament, That theſe Earles, Lords, and Commiſſioners following, ſhall be the perſons to whom the Scots ſhall addreſſe themſelves for the receiving of the ſums at the daies appoynted by the Parliament; Earle of *Bedford*, Earle of *Eſſex*, Earle of *Warwick*, Earle of *Holland*, Earle of *Stanford*, Lord *Wharton*, Lord *Mandeviſl*, Lord *Brook*, M. *Martin*, Sir *Thomas Barrington*, M. *Capell*, Sir *Arthur Ingram*, Sir *Gilbert Gerrard*, Sir *Robert Pye*, M. *Henry Bellaſis*, Sir *Walter Erle*, Sir *William Litton*, Sir *Henry Mildmay*, Sir *Thomas Cheek*, Sir *Iohn Strangwaies*, M. *Arthur Goodwine*, M. *Hampden*, Alderman *Soame*, Alderman *Pennington*.

Reſolved

Reſolved upon the Queſtion, That the place of payment ſhall be the Chamber of *London*.

Reſolved upon the Queſtion, That a ſafe Conduct ſhall be granted for the ſecure tranſporting of the money to *Scotland*, at the termes of payment agreed upon, at the charge of the Scots, conforme to the Paper of the 22. of *June*, 1641.

To the ſeventh Demand, Deſiring that as His Majeſty hath approven the Acts of the late Parliament, wherein all ſuch Declarations, Proclamations, Books, Libels, and Pamphlets, as have been made, written, or publiſhed againſt His Loyall, and dutifull Subjects of *Scotland* are recalled, and ordained to be ſuppreſſed, and deſtroyed; So His Majeſty may be pleaſed to give order, that the ſame may be recalled, ſuppreſſed, and forbidden in *England*, and *Ireland*, and that the loyalty, integrity, and faithfulneſſe of His Majeſties Subjects of *Scotland*, towards His Majeſties Royall Perſon, and Government, may at the cloſing of the Treaty of Peace, and the time of publique Thankſgiving for the ſame, be made known in all places, and in all the Pariſh Churches in His Majeſties Kingdoms.

This was the more earneſtly deſired, and confidently expected from His Majeſties juſtice, and goodneſſe, becauſe no calamity, or diſtreſſe, hath ſo ſore vexed, or ſo deeply wounded the hearts of His Majeſties Subjects, as that their Loyalty, and love towards their Native King ſhould have been contraverted, and by the malignancy of bad Inſtruments brought into ſuſpition, and becauſe they unfainedly deſire, and pray for His Majeſties happineſſe, and are reſolved by all meanes, and at all occaſions to deny themſelves, and what they have, for His Majeſties Honour, as is more fully contained in the Paper of the 8. of *February*, 1640. 1641.

It is anſwered upon the tenth of *February*, 1640. 1641. We do agree, that Declarations, Proclamations, Acts, Books, Libels,

bels, and Pamphlets that have been made, and publiſhed againſt the Loyalty, and dutifulneſſe of His Majeſties Subjects of *Scotland*, ſhall be recalled, ſuppreſſed, and forbidden in *England*, and *Ireland*, and that this be reciprocall in *Scotland*, if any ſuch have been made, or publiſhed there, in prejudice of His Majeſties honour: And this upon diligent enquiry to be done by the Authority of the Parliament next ſitting in *Scotland*; Of which the Commiſſioners of *Scotland* do promiſe to have an eſpeciall care. And we do alſo agree, That when it ſhall pleaſe Almighty God to grant a happy cloſe of this Treaty of Peace, the Loyalty of His Majeſties ſaid Subjects ſhall be made known at the time of publique Thankſgiving, in all places, & particularly in the Pariſh Churches of His Majeſties Dominions; Unto which we are the rather induced, for that you expreſſe, how deeply it hath wounded the hearts of His Majeſties ſaid Subjects, that their Loyalty, and love to His Majeſty their Native King, ſhould be brought in queſtion, and ſuſpicion, whereas they unfainedly deſire, and pray for His Majeſties Happineſſe, and are reſolved by all means, and at all occaſions, to deny themſelves, and what they have for His Majeſties honour, 10. *February*, 1640. 1641.

Concerning the eight Demand, For an happy and durable Peace, which is the chiefeſt of all our deſires, and unto which all our former ſeven Articles being now agreed upon, are as many preparations, we doe firſt of all deſire that all Monuments, tokens and ſhewes of hoſtility upon the borders of the two Kingdoms may be taken away, and that upon the reaſons and conſiderations particularly expreſſed in the paper of the tenth of *February*, 1640. 1641. That not only the Garriſons of *Barwick* and *Carlile* may be removed, but that the works may be ſleighted, and the places diſmantled.

It is anſwered, And agreed upon the fourteenth of *Iune*, that

His

His Majeſty is deſirous that all things betwixt the Kingdomes of *England* and *Scotland* be reduced into the ſame ſtate they were in before the beginning of the late troubles: And therefore he doth give his aſſent to the advice of the two Houſes of Parliament, that the Garriſons of *Barwick* and *Carlile* upon the disbanding of the Scottiſh army now in *England*, and of all ſuch forces as are gathered together in *Scotland*, be likewiſe preſently removed. And that the fortifications of *Barwick* and *Carlile* be alſo reduced to the ſame condition they were before the late troubles; So that all fortifications in *Scotland* be likewiſe put in the ſame condition they were before the ſaid troubles, and that the works be not repaired but ſuffered to decay: And that the Ordnance & Ammunition be removed, and that it be without prejudice to His Maieſties former grant of the ſecond Demand concerning the keeping of the Caſtles of the Kingdom of *Scotland*, the fourteenth of *Iune*. 1641.

To their deſire concerning unity in Religion, and uniformity of Church-government, as a ſpeciall mean for conſerving of peace betwixt the two Kingdoms, upon the grounds and reaſons contayned in the paper of the tenth of *March* given in to the Treaty and Parliament of *England*.

It is anſwered, upon the eleventh of *Iune*, that His Majeſty with advice of both houſes of Parliament doth approve of the affection of His Subiects of *Scotland* in their deſire of having a conformity of Church-government between the two Nations. And as the Parliament hath already taken into conſideration the reformation of Church-government, ſo they will proceed therein in due time, as ſhall beſt conduce to the glory of God, and peace of the Church and of both Kingdomes. *Vndecimo Iunij*. 1641.

To their Deſire of the Kings Majeſty and the Prince their coming, and reſiding ſometimes in *Scotland* upon the reaſons given in *February*, 16. 1640. 1641.

It is Answered upon the ninth of *Iune*, That His Majesty doth take in good part, the sense his Subjects of *Scotland* have of His absence, and the dutifull expression they make of their desire to have Him & the Prince His sonne frequently amongst them, and assuring himselfe that they have no other intention in this demand, but meerly to expresse their love to His Perso and the welfare of His ancient Kingdom; He declares unto them, That as He shall find the urgency of those affaires requires His presence, and His other conveniences here permit, He will repair thither and the Prince His sonne, so farre as he may know and be acquainted with the people there, *9. Iunij.* 1641.

To the Desire concerning the manner of choosing and placing of the Officers of State, Counsellers and Sessioners within the Kingdom of *Scotland* by advice of the Parliament, upon the grounds and reasons given in *March.* 15. 1640. 1641.

It is answered the ninth of *Iune* in His Majesties Name, We intend nothing more heartily and really, then that our people should be governed by the Laws of the Kingdom, and that all Iudges in their severall Iudicatories should judge accordingly. Therefore we will never allow nor permit that either Councellors, Officers of State, or Iudges, be exeamed from Our, and Our Parliaments triall and censure, for the discharging of their duties in their severall offices and places. Likewise we conceive that nothing will conduce more to the good of our service, and the peaceable and happy government of the Kingdom, then that Offices of State, places of Councell and Sessions, and other Iudicatories, be provided with honest, able, and qualified men. For which end, and because of Our necessary absence from that Kingdom, which maketh the qualification of persons fit for places lesse known unto Vs, We shall so farre give ear unto the Informations of Our Parliament, and when Our Parliament is not sitting, of Our Councell and Colledge of Iustice, as that we shall either make choice of some one of

ſuch as they by common conſent upon the vacancy of the place ſhall recommend unto us: Or if we ſhall conceive another perſon to be fitter then any of thoſe recommended, We ſhall make the ſame known to the Parliament, or in the time between Parliaments to Our Councell and Seſſion, that from them We may be informed of the qualifications and abilities of the perſon named by Vs, to the effect, that if by their information it ſhall appear to Vs, that there is juſt exception againſt the life and qualification of the ſaid party, We may timely nominate ſome other againſt whom there ſhall be no juſt exception; By which means We doubt not, but that We ſhall from time to time chuſe ſuch honeſt men, as for their known integrities and abilities, ſhall be fit to diſcharge their places of Offices, with that duty and ſufficiency which We and Our Subjects may juſtly expect, which intention of Ours being now ſo fully and cleerly expreſſed, We doubt not but will give good ſatisfaction to Our enſuing Parliament. And as We never intended to remove juſt and able men from their places in the Colledge of Iuſtice: So We doe now declare for Our peoples full ſatisfaction, that their places ſhall be provided unto them, *Quàm diu ſe bene geſſerint.* And if this Our Anſwer cannot content the Scottiſh Commiſſioners, We do then remit the whole Anſwer to be conſidered by Vs or Our Commiſſioners, and the Parliament at the next ſitting thereof, 9. June 1641.

To their deſire of placing ſome Scottiſhmen of reſpect about the King and Queenes Majeſties, and the Prince His Highneſſe, upon the grounds and reaſons given in the 9. of Aprill, 1641.

It is anſwered, His Majeſties goodneſſe and grace towards His Subjects of *Scotland*, in placing them about His own perſon in places of greateſt neerneſſe and truſt, hath been ſuch as ought to give them full ſatisfaction of His Royall affection towards His Subjects of His Native Kingdom. Therefore for

this poynt His Majeſty needeth only to aſſure them that he ſhall continue the ſame care which hitherto he hath done for their ſatisfaction in this particular; and not only ſo, but ſhall recommend the ſame to the Prince His Son, That ſucceſſively the Kingdom of *Scotland* ſhall ſo taſt of the care of their Soveraigns, that by the grace of God they ſhall never want a ſufficient number of honeſt and ſufficient perſons of that Nation about the Kings perſon and Prince, againſt whom there ſhall be no juſt exception, 9. Iune 1641.

To their deſire, that none may have place about His Majeſty and the Prince, but ſuch as are of the reformed Religion in manner expreſſed in the paper. 1. of April 1641.

It is anſwered, That His Majeſty doth conceive that His Subjects of *Scotland* have no intention by this propoſition (eſpecially by way of Demand) to limit or preſcribe unto him the choice of His Servants, but rather to ſhew their zeale to Religion, wherein His own Piety will make him doe therein that which may give juſt ſatisfaction to His people. 9 Iune 1641.

To their deſire, given in the firſt of April concerning Copper-Coin.

It is anſwered, Whereas the Scottiſh Commiſſioners have repreſented unto His Majeſty, the great prejudice ſuſtained by the Kingdom of *Scotland*, through the coyning of Copper Money, which hath paſſed there this long time by gone, for ſeven times as much as the true value and worth thereof, contrary to the continuall cuſtome of that Kingdome: And therefore deſiring that no Copper-Money be coyned hereafter, without conſent of the Eſtates convened in Parliament, who may remedy the preſent prejudices the Country ſuſtaines thereby, and who upon good conſideration of the neceſſity thereof in time to come, may appoynt ſuch a competent proportion as is fit, and as the Country ſhall require for the uſe of the

the poor, and for change in buying and ſelling of Commodities, and that the ſame ſhall not paſſe but according to the intrinſick value thereof, with the allowance of a tenth part, or ſuch a proportion as the Parliament ſhall think fit to allow for the impreſſion and workmanſhip in Coyning; His Majeſty is gratiouſly pleaſed to recommend unto the enſuing Parliament of *Scotland* the whole matter of Copper-Coin, and remits to their conſideration to take ſuch order therein as they ſhall think fitting, not only concerning the Copper-Coin to be coined hereafter, but alſo the Copper-Mony already coined, how the ſame ſhall take vent, and paſſe in Paiment in time coming, conforme to the Paper of the 9. of Iune.

¶ Concerning an Act of Pacification *and Oblivion.*

IT *is agreed unto,* That in the approaching Parliament of *Scotland*, there ſhall be an Act of Pacification, declaring, That the late Commotions and Troubles, ariſing from the innovation of Religion, and corruption of Church-Government, by the mercy of God, and the Kings royall wiſdom and Fatherly care, are turned into a quiet calme and comfortable Peace, leſt either His Majeſties love, or the conſtant Loyalty of His Subjects in their intentions and proceedings, be hereafter called in queſtion, and that ſuch things as have fallen forth in theſe tumultuous times, while Lawes were ſilent, whether prejudiciall to His Majeſties honour and authority, or to the Lawes and Liberties of the Church and Kingdom, or to the particular intereſt of the Subject (which to examine and cenſure in a ſtrict courſe of Iuſtice, might

might prove an hinderance to a perfect Peace) may be buried in perpetuall oblivion: So it is expedient for making the Peace and Vnity of His Majesties Dominions the more firm and faithfull, and that His Majesties countenance against all fears, may shine upon them all the more comfortably; That an Act of Pacification and Oblivion be made in the Parliaments of all the three Kingdoms, for burying in forgetfulnesse all Acts of Hostility, whether betwixt the King and His Subjects, or between Subject and Subject, or which may be conceived to arise upon the comming of any English Army against *Scotland*, or the comming of the Scottish Army into *England*, or upon any action, attempt, assistance, counsell or device, having relation thereunto, and falling out by the occasion of the late troubles preceding the conclusion of the Treaty, and the returne of the Scottish Army into *Scotland:* That the same, and whatsoever hath ensued thereupon, whether trenching upon the Lawes and Liberties of the Church and Kingdom, or upon His Majesties honour and authority, in no time hereafter may be called in question, or resented as a wrong, Nationall or Personall, whatsoever be the quality of the person, or persons, or of whatsoever kind or degree, Civill or Criminall the injury be supposed to be, and that no mention be made thereof in time comming, neither in judgement nor out of judgement, but that it shall be held and reputed as though never any such thing had been thought nor wrought: And this to be extended not only to all His Majesties Subjects now living, but to their Heirs, Executors, Successors, and all others whom it may concerne in any time to come: And for that end, that by the tenour of this Statute, all Iudges, Officers and Magistrates whatsoever, be prohibited and discharged of directing of Warrants for Citation, processing, or executing any sentence or judgement upon Record, or any way molesting any of His Majesties Lieges concerning the premises in all time comming; Like

as that His Majesty for himself, and His Successours, promise in *Verbo Principis*, never to come in the contrary of this Statute or Sanction, nor any thing therein contained, but to hold the same in all points firme and stable; and shall cause it to be truly observed by all His Majesties Lieges, according to the tenour and intent thereof, for now and ever: And that in all time coming, these presents shall have the full force and strength of a true and perfect security, as if they were extended in most ample and legall form.

Providing, that the benefit of the said Statute shall no wayes be extended to any of the Scottish Prelates, or to *John* Earle of *Traquaire*, Sir *Robert Spotswood*, Sir *John Hay*, and Master *Walter Belcanquall*, cited and pursued as Incendiaries betwixt the Kingdoms, and betwixt the King and His people, and for bribery, corruption, and many other grosse crimes, contained in their charges, generall and speciall, nor to any other person who are cited, and shall be found by the Parliament of *Scotland*, in His Majesties, or His Commissioners, their own hearing, to be so extraordinary guilty of these, and the like crimes, as they cannot in justice, and with the honour of the King and Countrey passe from them.

Provided further, that the benefit of this Act shall not be understood to extend to the favour of theeves, robbers, murtherers, broken-men, Horners, Outlawers nor their receptors: With reservation also of the legall pursuits & processes of the Scots in *Ireland*, for the reparation of their losses, according to justice against such who have illegally wronged and persecuted them; Since by one of the Articles of the Treaty, they are appointed to be restored to their means and estates.

It is also to be understood, that nothing is meaned hereby to be done in prejudice either of the payment of the debts oughten upon promises or security by the Scottish Army to any of the Counties, or to any person there (the same being instru-

ded before the removall of the Scottish Army; or of the Arrears due to the Scottish Army, or to that brotherly assistance granted them by the Parliament of *England*.

That the great blessing of a constant and friendly conjunction of the two Kingdoms, now united by allegiance and loyall subjection to one Soveraigne and head, may be firmly observed and continued to all posterity; It is agreed that an Act be past in the Parliament of *England*, That the Kingdom of *England*, or *Ireland*, shall not denounce nor make war against the Kingdom of *Scotland*, without consent of the Parliament of *England*: As on the other part, it shall be enacted there, that the Kingdom of *Scotland* shall denounce nor make war against the Kingdom of *England*, or *Ireland*, without the consent of the Parliament of *Scotland*. No ships either of the Kings or Freebooters or others, shall stop the Trade of the Kingdom, or hinder or harme their neighbour Kingdom, without consent of Parliament declaring a breach of Peace; And if any Armies shall be levyed, or Trade stopped, and neighbours harmed or wronged, the Estates of the Country by which it is done, to be obliged to pursue, take and punish the offendors with all rigour; And if any of the Kingdoms assist, receive or harbour them, they ought to be punished as breakers of the Peace. And if after complaint and remonstrance to the Commissioners after mentioned, and to the Parliament, redresse and reparation be not made, then in that case the same to be counted a breach of the peace by the whole Kingdom. And in case any of the Subjects of any of the Kingdomes shall rise in Armes, or make war against any other of the Kingdomes and Subjects thereof, without consent of the Parliament of that Kingdom whereof they are Subjects, or upon which they doe depend, That they shall be held, reputed and demained as Traitours to the Estates whereof they are Subjects; And that both the Kingdomes in that case be bound to concurre in the repressing

fing of thoſe that ſhall happen to ariſe in Armes, or make War without conſent of their own Parliament; And that the way of convening forces for ſuppreſſing ſuch as levy War be as in caſe of invaſion. *Provided*, that this be not extended to any particular quarrels upon the Borders: And that it be Enacted that in ſuch caſe, it ſhall be lawfull for any of the Subjects to convene to ſuppreſſe ſuch evill affected perſons; and that each Kingdome ſhall be bound by Publique Faith punctually to perform this Article. And if either Parliament ſhall denounce war, they ſhall give three moneths warning.

That the Peace to be now eſtabliſhed may be inviolably obſerved in all time to come, *It is agreed*, That ſome ſhall be appointed by His Majeſty and the Parliaments of both Kingdomes, who in the interim betwixt the ſitting of the Parliaments may be carefull that the Peace now happily concluded may be continued, and who ſhall endeavour by all meanes to prevent all troubles and diviſions. And if any debate or difference ſhall happen to ariſe to the diſturbance of the Common Peace, they ſhall labour to remove or compoſe them according to their power: It being ſuppoſed, that for all their proceedings of this kind they ſhall be anſwerable to the Kings Majeſty and the Parliaments. And if any thing ſhall fall forth which is above their power and cannot be remedied by them, They ſhall inform themſelves in the particulars, and repreſent the ſame to the Kings Majeſty and the enſuing Parliament, that by their wiſdomes and authority, all occaſion and cauſes of troubles be removed, the Peace of the Kingdom may be perpetuall to all poſterity. And it is declared that the power of the Commiſſion ſhall be reſtrained to the Articles of Peace in this Treaty.

Where it is deſired, That an Act may be made in the Parliament of *England* for ratifying of the Treaty and all the Articles thereof, which is likewiſe to be ratified in the Parliament of

Ireland (which in all the Articles is comprehended under the name of *England.*) And after the Treaty is confirmed in the ſaid Engliſh Parliament, and all other neceſſary conditions performed, the Armies on both ſides, ſhall at a certain day to be appointed for that effect, remove and Disband: So that when the Scottiſh Army ſhall remove from *Newcaſtle*, the Engliſh Army ſhall likewiſe be Disbanded and repair home to their ſeverall Countreys and places of their reſidence; And the Iriſh Army to be Disbanded before that time, that hereafter a quiet and durable Peace may be kept according to the Articles: And that this Treaty and whole proceedings thereof may be likewiſe ratified in the Parliament of *Scotland*, and a firme Peace eſtabliſhed, It is deſired that His Majeſty may be graciouſly pleaſed now to declare that the enſuing Parliament of *Scotland* ſhall have full and free power, as the nature of a free Parliament of that Kingdome doth of it ſelfe import, to ratifie and confirme the Treaty and whole Articles thereof, and to receive account of all Commiſſions granted by them, examine their proceedings, and grant exonerations thereupon, and to Treat, Deliberate, Conclude, and Enact whatſoever ſhall be found conducible to the ſetling of the good and Peace of that Kingdome; And that His Majeſties Commiſſioners ſhall be authorized with full power to approve whatſoever Acts and Statutes, which upon mature deliberation ſhall happen to be accorded unto, by the Eſtates in that behalf; And ſhall ſit and continue without interruption or prorogation, while all things neceſſary for that effect be Determined, Enacted & brought to a finall concluſion: Vnleſſe for the better conveniency of affaires, His Majeſties Commiſſioners with the ſpeciall advice and aſſent of the Eſtates ſhall think fit to Adjourne the ſame to any other time, which ſhall no wayes derogate from the full and perfect concluding of the whole premiſſes before the ſaid Parliament be diſſolved.

This

This whole Article is assented unto, in so farre as concernes the dayes and circumstances of disbanding to be agreed unto.

Forasmuch as the severall jurisdictions and administrations of Iustice in either Realm, may be deluded and frustrated by Delinquents for their own impunity, if they shall commit any offence in the one Realm, and thereafter remove their persons, and make their abode in the other; Therefore that no person sentenced by the Parliament of either Nation as Incendiaries betwixt the Nations, or betwixt the King and His people, shall enjoy any benefit Civill or Ecclesiasticall, or have any shelter or protection in any other of His Majesties Dominions, Like as where Malefactors and Criminals guilty of the crimes mentioned in the Act of Parliament 1612. *Cap.* 2. and others of that nature, and committed by Scottishmen within the Kingdoms of *England* or *Ireland*, or any part thereof, are taken and apprehended in *England* or *Ireland*, That it shall be lawfull to the Iustices of *England* or *Ireland* to remand them to Sea or Land as the Acts bears. And further, if any Malefactors committing crimes in *Scotland*, *England*, or *Ireland*, being duly processed in the Kingdoms where the crimes are committed, and being fugitives, or remaining in any other of the Kingdoms foresaids, That the Iudges of either Kingdome shall be holden at the instance and suit of the party offended, to take and remand the Criminals and Malefactors to the Kingdomes where the Crimes were committed, and the like to be made in *Scotland*. And this would be extended as well to Debts as Crimes, and what further is requisite concerning this and other particulars for settling of Peace in the middle Shires, and accelerating Iustice upon the Delinquents, both in Civill and Criminall causes, is to be considered by the Committee appoynted for that effect.

It is answered, That such persons as shall be Natives in either Kingdome, and shall commit any offence in the Realme

whereof they ſhall be Natives, and ſhall afterwards remove their perſons into the other; And ſuch perſons as ſhall be inhabitants in either Kingdom, and ſhall commit any offence in the Realm where they ſhall be Inhabitants during the time of their habitation there, and ſhall afterwards remove their perſons into the other, and ſhall be for the ſame cenſured by the Parliament of that Nation where the offence was committed, as Incendiaries betwixt the Nations, or betwixt the King and His people, ſhall not enjoy any benefit Civill or Eccleſiaſticall, or have any ſhelter or protection in any other of His Majeſties dominions. And that ſuch Scottiſh Natives incenſing the King of *England* againſt the Kingdom of *Scotland*, ſhall be remanded at the deſire of the Scottiſh Parliament into *Scotland*, to abide their tryall and cenſure there, ſo that the ſame be reciprocall to both Nations; But other Criminals and debts to be referred to the Lawes.

The Propoſitions and Articles, given in by the Scottiſh Commiſſioners after the Lord *Lowdons return from the Parliament of Scotland.*

THat the Treaty of Peace may be brought to a ſpeedy and happy cloſe, We do offer to your Lordſhips conſideration the particulars following.

I. That ſo ſoon as the Scottiſh Army ſhall remove out of *England* to *Scotland*, the Engliſh garriſons of *Barwick* and *Carlile* may remove *Simul & Semel.*

II. *Leſt* Malefactours who have committed theft, murder and the like crimes, crave the benefit of the Act of Pacification and oblivion, for whom it is no waies intended, there would

would be an exception from the ſaid Acts of all legall perſuits intended or to be intended within the ſpace of an year after the date of the Treaty againſt Cheeves, Horners, Outlawers, Fugitives, Murderers, Broken-men, or their Receptaries, for whatſoever thefts, rifes, hareſhips, oppreſſions, depredations or murthers, done or committed by them, and all lawfull Decreits given or to be given by the Parliament, or any Commiſſioners to be appoynted by them for that effect, who ſhall have power to dignoſce and take cognition whether the ſame falls within the laid Act of Pacification or Oblivion or not.

III. *It is* deſired that the demand concerning the not making or denouncing warre with Forraigners, without conſent of both Parliaments, may be condeſcended unto by the King and Parliament of *England*, which is ordinary and univerſally obſerved in all mutuall Leagues, which are both offenſive and defenſive; and becauſe the wars denounced by one of the Kingdoms with forraigners, although made without conſent of the other Kingdom, will engage them by neceſſary conſequence. Or if the conſideration of this Propoſition ſhall require longer time then the preſent condition of the important affaires of the Parliament may permit, and leaſt the ſpeedy cloſe of the Treaty be thereby impeded, It is deſired, that this demand with the other two Articles of the ſame nature, the one concerning Leagues & Confederations, and the other concerning mutuall ſupply in caſe of Forraign invaſion, may all Three be remitted to Commiſſioners to be choſen by both Parliaments, who ſhall have power to adviſe and Treat thereupon, for the good of both Kingdoms, and report to the Parliaments reſpectively.

IIII. *It is* deſired that the Articles concerning Trade and Commerce, Naturalization, mutuall priviledge and capacity and others of that nature already demanded, may be condeſcended

ſcended unto by the King and Parliament of *England*, & namely that demand anent the preſſing of men and ſhips by ſea or land. Or if ſhortneſſe of time and exigence of affaires may not permit the preſent determination of theſe demands, It is deſired, that the ſame (except ſo many of them as are already agreed unto by the Commiſſioners for trade) may be remitted to the Commiſſioners to be choſen by both Parliaments, who ſhall have power to treat and adviſe thereof for the good of both Kingdoms, and to make report to the Parliaments reſpectively, and that the Charters or Warrants of the Scotch Nation, for freedom of ſhipping in *England* or *Ireland* from all Cuſtomes, Impoſts, Duties and Fees, more then are paid by the Natives of *England* or *Ireland*, granted by King *Iames*, under the broad Seale of *England* upon the eleventh day of *Aprill* in the thirteenth yeer of his reign, and confirmed by King *Charles* upon the nineteenth of *Aprill* in the eight year of His Reign, may be enacted and ratified in this Parliament.

V. *That* the extracts of Bonds and Decreits put upon Record and Regiſter in *Scotland*, may have the like faith and execution as the French Tabellions have in *England* and *Ireland*, ſeeing they are of a like nature and deſerves more credit, and if this cannot be done at this time, that it be remitted to the former Commiſſion from both Parliaments.

VI. *The* manner of ſafe Conduct for tranſporting the monies from *England* to *Scotland* by Sea or Land, would be condeſcended upon in ſuch way as the charges be not exorbitant, and may be preſently known.

VII. *The* tenour of the Commiſſion for conſerving of Peace would be condeſcended unto, together with the times and

and places of meeting, and whole frame thereof, the draught whereof when it is drawn up in *England*, is to be represented to the Parliament of *Scotland*, that they may make the like Commission, and name their Commissioners for that effect.

VIII. *The* Parliament of *Scotland* do joyne their earnest and hearty desires, and craves the Parliaments of *Englands* concurse, that none be placed about the Princes Highnesse, but such as are of the reformed Religion.

IX. *That* an Act of Parliament of Publike Faith, for payment of the 220000. pound, which is Arreare of the Brotherly Assistance, may be presently framed, and exped, according to the termes agreed upon.

X. *It* is desired that the *Quorum* to whom the Scots should addresse themselves, for payment of the two hundred and twenty thousand pounds be condescended upon.

XI. *That* the Order for recalling all Proclamations, &c. made against His Majesties Subjects of *Scotland*, be drawn up, and intimate in due forme and time, with the publique Thanksgiving at all the Parish Churches of His Majesties Dominions.

XII. *It* is desired, that the Articles concerning the Castle of *Edinburgh*, and other strengths of that Kingdom, may be understood to be, that the samen shall be disposed of, for the weale of the Kingdom, as the King and Parliament shall think expedient.

¶ The Englisſh Lords Commiſsioners *Anſwer.*

THat upon the Disbanding of the Scottiſh Army, the Garriſons of *Barwick* and *Carlile* ſhall be removed according to the Article of the Treatie in that behalfe.

The ſecond Article is condeſcended unto, according to the Proviſion added to the Act of Pacification.

The third Demand, concerning making of Warre with Forraigners, with the other two Articles concerning Leagues and Confederations, and concerning mutuall ſupply, and aſſiſtance againſt forraign Invaſion, is agreed to be referred to Commiſſioners to be choſen by His Majeſty and the Parliaments.

As likewiſe the fourth, fift, and ſixt Articles, concerning Trade, Commerce, Naturalization, mutuall Priviledges, and Capacity, and other of that nature; And the Demands concerning the Extract of Bonds and Decreits, and the manner of ſafe Conduct for tranſporting the Moneys from *England* to *Scotland*, are all referred to be taken in conſideration by the Commiſſioners to be appoynted by both Parliaments, who ſhall have power to adviſe, and treat thereupon, and report to the Parliament reſpective.

It is juſt that the Tenor of the Commiſſion for conſerving of Peace, ſhould be agreed on by mutuall conſent, but the cloſing of

of the Treaty not to ſtay hereupon, but to be left to the Commiſſioners to be named.

To that deſire concerning ſuch as ſhould be placed about the Prince, the King hath already given a clear and ſatisfactory anſwer.

That there be an Act of Parliament of Publike Faith, for ſecuring the payment of 220000. pounds which is Arrere of the Brotherly aſſiſtance, is juſt, and Order is given for it accordingly, and it ſhall be communicated with the Scottiſh Commiſſioners, that it may be a perfect ſecurity.

The tenth, for appoynting a *Quorum*, for attending the payment of the money, is already moved to the Parliament, and will be done as is deſired.

The eleventh Article is very juſt, and Order ſhall be given accordingly for recalling all Proclamations, and for publique Thankſgiving.

This twelfth Article for the Caſtle of *Edenburgh*, and other Strengths of *Scotland*, is to be ſetled betwixt His Majeſty and the Commiſſioners of *Scotland*, or by His Majeſty and Parliament of *Scotland*.

All which Articles are aſſented unto, and approved by His Majeſty, with the advice of the Parliament of England, *and by the Committees of the Parliament of* Scotland; *and are neceſſary for publike Declaration of mutuall conſent, and for firme obſervation, to be confirmed and ratified in the Parliament of both Kingdomes.*

Be it therefore enacted by His Majesty, with the assent of the Lords and Commons in this present Parliament assembled, that the said Treaty and the Articles thereof, assented unto as aforesaid, be, and stand forever ratified and established, and have the force, vigour, strength, and authority of a Law, Statute, and Act of Parliament.

Like as this above written Treaty, and whole Articles thereof, are by His Majesty and the Estates of the Parliament of Scotland *to be Enacted and Ordained, to have in all time comming the full force and strength of a true and perfect security and Act of the said Parliament.*

And His Majesty for Himselfe and His Successors doth promise in *verba Principis*, never to come in the contrary of this Statute and Sanction, nor any thing therein contained, but to hold the same in all poynts firme and stable, and shall cause it to be truly observed by all His Majesties Lieges, according to the tenor and intent thereof, for now and ever.

Like as the Parliaments of both Kingdomes gives full assurance, and doe make Publike Faith in name of both Kingdomes respectively, for the true and faithfull observance of this Treaty, and whole Articles thereof inviolably, hinc inde, *in all times to come.*

FINIS.